



# 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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Tuesday, June 17, 2025

4:00 PM

Grandad Room  
City Hall, First Floor

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#### Call to Order

*Chair Cherf called the meeting to order at 4:00 p.m. and explained the meeting procedure.*

#### Roll Call

**Present:** 4 - Douglas Farmer, Jai Johnson, James Cherf, James Szymalak

**Absent:** 1 - Anastasia Gentry

#### Variance appeals:

##### [2691](#)

An appeal regarding the requirement to provide a 25-foot front yard setback at 2546 7th St. S, La Crosse, Wisconsin.

*David Reinhart and Andy Berzinski, representing the Building & Inspections Department, were sworn in to speak. Berzinski went over the three requirements for granting a variance: Unnecessary Hardship, Hardship Due to Unique Property Limitations, and No Harm to Public Interests. Berzinski stated that the applicant has applied for a permit to put an addition onto a Single-Family Dwelling that does not meet the required front yard setback. Per Municipal Code Sec. 115-143(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. The two adjacent main buildings are setback over 25 feet therefore you cannot use the average of the two buildings. A variance of 14.5 feet would need to be granted for this project to proceed as proposed. Cherf asked if the setback would be 25 feet from the center line or the curb, if the variance is not granted. Berzinski responded that there is a 14-foot right-of-way along, so the 25 feet would be in addition to that 14; Reinhart added that the 25 feet would be from the property line (aerial view of property lines shown).*

*Berzinski showed an aerial view of the GIS map, a picture of what the house currently looks like and a view of the area where the applicant is proposing to put the addition, as well as a site plan of the proposed addition and renderings of what it would look like. Berzinski stated that there is no unnecessary hardship as the property can continue to be used as a dwelling without the proposed addition, there are no unique property limitations as this lot is larger than most lots in the City, and there is no harm to public interests. Because of those reasons, the variance should not be granted.*

*Doug Buchner, 2546 7th St. S., was sworn in to speak. Buchner stated that there is no way anyone in the City of La Crosse can apply a 25-foot setback and have enough room to build. He added that variances have been granted in this area and most are*

*closer than what is allowed. He stated that he had thought about the compromise brought up at the last meeting and he would be willing to come back 25 feet off the curb, which is more than the neighbor that is 17 feet from the curb. Buchner stated that if he has to build it to requirements it would look out of place as most are 17 or 18 feet back with one being right on the lot line. He added that a lot of the properties don't have additional storage and being on the river is a unique situation because you need more storage for boats and other things. Most property owners store them outside, and for him to store all of his things, he needs to build his garage addition the way he has proposed. Buchner stated that the hardship is the tree that is in the way; to take that down would be the hardship. To build back that far would also block the view of the river. He added that the buildings built closer to the street are more modern buildings, and those that don't have extra storage space leave their things in their front yards. He stated that his whole argument is that it would look out of place and he would not have room for his things to be stored.*

*Johnson asked Buchner to clarify the setback from the curb that he is requesting; Buchner responded that the lot line is 14 feet back from the curb, which is unique because most are at the city sidewalk. He stated that the setback he is requesting is a 14-foot setback and added that the best use of the property is the river side and not the front of the house.*

*Joe Van Aelstyn, 3152 33rd St S, was sworn in to speak. Van Aelstyn stated that there are a couple of exceptions to the hardship rule, if an area was developed under a prior subdivision or municipality, and the setback ranges from 40 to zero would be an exception. He also stated that in relation to damage to the neighborhood, there would be more absorbable ground on the water side for a rain garden or something. He added that the buildings being closer to the curb provide traffic control by making traffic slow down.*

*Cherf asked Johnson if she wanted to again ask for clarification on the exact setback that is being requested as Buchner may now be asking for a 10.5-foot setback. Johnson responded that they would as it looks like Buchner is asking for a larger variance now than in the original request. Berzinski stated that the current variance would be 14.5 feet (where the setback would be 10.5 feet); the original ask was for a variance of 12.5 feet (where the setback would've been 12.5 feet). Reinhart added that Buchner is now asking to be closer to the street than he originally requested (larger variance, smaller setback).*

**A motion was made by Farmer, seconded by Johnson, that appeal be referred until the Board has a full membership. The motion carried by the following vote:**

**Yes:** 3 - Farmer, Johnson, Cherf

**No:** 1 - Szymalak

**Absent:** 1 - Gentry

## 2692

An appeal regarding the requirement that allows only 60 multi-family apartment units above a commercial space at 922 & 928 State St., 915 & 927 Main St., and 115 & 119 10th St. N., La Crosse, Wisconsin (Haven on Main project).

*Berzinski, still sworn, stated that the applicant has applied for a building permit to construct a 70-unit multi-family apartment building with commercial space on the main floor that does not meet the development density requirements for Traditional*

*Neighborhood Development zoning districts. Per Municipal Code Sec. 115-403(2), Development Density, the number of residential dwelling units and the amount of nonresidential development (excluding open spaces) shall be determined as follows: the number of multi-family units shall be between 15 and 40 dwelling units per net acre and all dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than ten dwelling units or ten percent, whichever is greater. A variance allowing 10 additional apartment units on this 1.25-acre development would need to be granted for this project to proceed as proposed.*

*Berzinski showed pictures of what the development would look like once completed, a site plan, and the old building that was on the property as well as a picture of the property now with the building torn down. Berzinski stated that for the unnecessary hardship, the Council approved the general plan for this property prior to the code changing; the old code would have allowed this project to proceed as proposed. He added that there are no unique property limitations as several lots were combined, and that there is no harm to the public interest.*

*Farmer asked for the base number of dwelling units that would be allowed, and Berzinski responded that it would be 60 for this project and they are asking for 10 additional. Cherf added that the Board can grant 10 percent or 10 units more than what is allowed, whichever is greater. Johnson asked why there was a change to decrease density. Tim Acklin, representing the Planning Department, was sworn in to speak. Acklin stated that there wasn't a request to decrease density, but there was a request to adopt a Traditional Neighborhood Development Ordinance that had specific standards. They utilized a model ordinance created by the UW-Extension that they had created for communities to use and the density range adopted was in that model ordinance. Acklin added it wasn't that they were trying to decrease density, but it was that they were wanting to create more housing units, and it just so happened that there were some projects coming through that didn't meet the new requirements in the ordinance.*

*Johnson asked if there was a provision for the project to be grandfathered in. Gideon Wertheimer, representing the Legal Department, was sworn in to speak. Wertheimer stated that under case law, they couldn't be grandfathered in unless a permit was applied for prior to the change in the ordinance. In this case they had not applied for permits prior to the change. If grandfathered, they'd be a non-conforming use within the zoning. He added that if the variance is approved, it would go with the land, so if the owner ever sells, they would still be allowed those 10 additional units if granted. Cherf added that Wertheimer's statement about variances going with the land is important to remember.*

*Farmer asked what the rationale is for the Board to get involved in something that appears to be a planning process. Wertheimer responded that the Board is authorized to grant more units than what code allows. Farmer asked why Council is not the one deciding. Wertheimer responded that the Board could decide in this case because it is a variance to the Code; a change to the Code would be decided by Council. Farmer stated that in the appeal process, the Board doesn't have limits on what they can grant. Wertheimer stated that they are only requesting 10 and the Board is required to grant the minimum required, so if the Board believes the minimum is 80 units, they could grant that.*

*Jeff Moorehouse, 1979 Sandalwood Dr, was sworn in to speak. Moorehouse stated that*

*they started the project over a year ago, with all of the design and planning prior to the zoning change. Earlier in the process they had planned for 74 units and trimmed it down to 70. They were notified two months ago that the density they planned was an issue and they'd already finalized the plans for the project.*

*Paul Gerrard, 100 6th St. N., was sworn in to speak. Gerrard stated that they planned the project back in September of 2024 when they got approval on land control and submitted applications to the Wisconsin Housing & Economic Development Authority, plus they've also gathered additional funding from many donors in the La Crosse area. They've also negotiated a development agreement with the City for additional public infrastructure.*

*Peter Gerrard, 100 6th St. N., was sworn in to speak. He stated that they obtained their demolition permit and did the demolition and environmental work based on the preliminary approval. At this point they have well over 2 million dollars invested in the project.*

*Cherf confirmed with Reinhart that the final rezoning was approved for the project. Wertheimer added that if the Board should grant the variance, it should be effective after the zoning change has been published, which Reinhart stated would be June 21.*

**A motion was made by Farmer, seconded by Szymalak, to grant the requested variance of 10 additional units, effective after publication of the zoning change ordinance (Ordinance 5341 to be published 6/21/2025). The motion carried by the following vote:**

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

**Absent:** 1 - Gentry

## 2693

An appeal regarding the requirement that allows only 9 multi-family apartment units at 518 & 526 10th St S, La Crosse, Wisconsin (C & C Residences project).

*Berzinski, still sworn, state that the applicant has applied for a building permit to construct a 24-Unit multi-family apartment building that does not meet the development density requirements for Traditional Neighborhood Development zoning districts. Per Municipal Code Sec. 115-403(2), Development Density, the number of residential dwelling units*

*and the amount of nonresidential development (excluding open spaces) shall be determined as follows: the number of multi-family units shall be between 15 and 40 dwelling units per net acre. A variance allowing 15 additional apartment units on this .219-acre development would need to be granted for this project to proceed as proposed. Berzinski showed an aerial view of the two parcels, exterior elevations of what the building would look like, and floor plans with additional elevations. Berzinski stated that for the unnecessary hardship, conversations had taken place about a proposed development prior to the ordinance change but no plans had been reviewed, so there is no unnecessary hardship. This lot is similar in size to other lots in the City, so there is no unique property limitation. There is no harm to the public interest. For these reasons, the variance should not be granted.*

*Farmer confirmed the number of units allowed; Berzinski responded that it is up to 40 units per net acre and for this project only 9 units would be allowed.*

*Jeremy Novak, 1205 Lauderdale Pl., was sworn in to speak. Novak stated that they've been working on the project for three years in collaboration with Mayo Clinic and have*

*had multiple conversations with city staff and neighborhood associations during this time. While planning, the code changed. They had donated land to Habitat for Humanity and in hindsight they should've waited because of how the change in the code has affected this project. They are working with Mayo Clinic on using existing parking lots, so they don't have to create additional. Novak added that that it is a unique project with the state of the housing needs; the units are studios and not three-bedroom units so in terms of density it is not occupants it is units. Taking into account the housing study done in La Crosse, they're creating single-occupancy units to meet the needs outlined in the study. They will be retaining the community gardens. They don't want to put multiple 4-bedroom houses on the parcels, because that would not fill the market need.*

*Farmer stated that they are then asking to build fewer units; Novak responded that they are asking to build 24 studio units, 15 more than what is allowed. Cherf restated that if granted, they would have 24 one-person units the size of a hotel room. Cherf added that they could build 9 four-bedroom units and still be compliant. Agreed and added that they are asking for 24 occupants versus 36. Farmer confirmed that density in this case means number of sleeping spots, not number of people. Novak again added that the need is for single-occupant units. Farmer asked if they had applied for any grants and Novak responded that they have. Cherf confirmed with staff that the final zoning on the project was approved in April.*

**A motion was made by Farmer, seconded by Szymalak, to grant the requested variance of 15 additional units. The motion carried by the following vote:**

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

**Absent:** 1 - Gentry

[2694](#)

An appeal regarding the requirement that allows only 29 multi-family apartment units at 413, 417, 423, 425, & 431 West Ave N and 1204 Badger St (Badger West project).

*Berzinski stated that the applicant has applied for a building permit to construct a 48-Unit multi-family apartment building that does not meet the development density requirements for Traditional Neighborhood Development zoning districts. Per Municipal Code Sec. 115-403(2), Development Density, the number of residential dwelling units and the amount of nonresidential development (excluding open spaces) shall be determined as follows: the number of multi-family units shall be between 15 and 40 dwelling units per net acre. A variance allowing 19 additional apartment units on a .73-acre development would need to be granted for this project to proceed as proposed. Berzinski showed an aerial view of the parcels in the project, as well as exterior elevations of what the project would look like when complete.*

*Berzinski stated that conversations had taken place about a proposed development prior to the ordinance change but no plans had been reviewed, so there is no unnecessary hardship. This lot is similar in size to other lots in the City, so there are no unique property limitations, and there is no harm to the public interest. For these reasons the variance should not be granted.*

**A motion was made by Johnson, seconded by Farmer, to grant the requested variance of 19 additional units. The motion carried by the following vote:**

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

**Absent:** 1 - Gentry

[2695](#)

An administrative appeal of the Zoning Administrator's interpretation of the City of La Crosse Zoning Code, Chapter 115-151 pursuant to Wis. Stat. Section 62.23(7)(e)7(b) and La Crosse Municipal Code Section 115-59(1), in regard to permitted and non-permitted uses at 3102 Chestnut Place, La Crosse, WI 54603.

*David Reinhart, still sworn, stated that the applicant has applied for an administrative appeal of two items. It appears one appeal is the determination that an industrial use was approved for a party. It appears the other appeal is that a residential/commercial rowhouse was refused. At this time no permits have been applied for or permits issued for either of the alleged appeals submitted. The Zoning Administrator feels that for this reason, these appeals shouldn't be heard as no official determination has been made via issuance of a permit or denial letter being supplied.*

*Farmer asked if the original request was to have industrial and residential/commercial on the same property; Reinhart responded that they have not had a permit applied for, so he was unable to answer that question. Farmer asked why the appeal is before the Board and Wertheimer responded that the appeal was filed so that is why it was before the Board. Farmer asked Reinhart what caused them to make the ruling and Reinhart responded that no official ruling had been made and a permit has not been applied for or denied. Farmer confirmed that they are hearing an appeal on something that has not been done. Reinhart stated that a number of years ago there was a similar case where a permit was issued, and a neighbor did not agree with it and an appealed the decision of the zoning administrator. Farmer confirmed that there was something concrete in that case, but not in this. Wertheimer responded that the Board needs to decide whether or not there was a decision; if they decide in the affirmative, they would need to follow the analysis for the administrative appeals. Farmer stated that they could grant the appeal, but it would mean nothing because a permit hasn't been issued yet*

*Johnson asked why it says that there was a determination that an industrial use was approved and a residential/commercial rowhouse was refused. Reinhart stated that the language came directly from the application, and they may want to ask that question to the applicant. Johnson asked if the zoning would allow for a substation. Reinhart responded that it depends on what lot they are referring to, one is commercial, and the other lots are zoned R6 - multiple dwelling district. Cherf asked the Board whether or not they wanted to hear from the applicant because no permits had been applied for; Wertheimer responded that they should hear from both sides before making a decision. Farmer stated that this may be a waste of time, but they should hear from the applicant.*

*Joe Van Aelstyn, still sworn, stated that City staff had a meeting with Northern Natural Gas without his knowledge; the gas company wanted to move a town border station (TBS). The gas goes in and then goes out and it is noisy, smelly and visually unpleasing. Van Aelstyn stated that the gas company notified them that they wanted to move the TBS and he told them that they had a piece of land that might work. Van Aelstyn stated that the gas company told him that city staff okayed the use of lot 6 for the TBS. He stated that he worked with staff at the city to reduce the street size there and Kwik Trip is building a medical clinic in the area so it will not be a good place for the TBS. Van Aelstyn stated that whether they've applied for something or not, the Board can say they don't want the use on that zoning there. Per Code there are things that are listed as permitted uses under Commercial (zoning), and this use is not listed there. Van Aelstyn stated that he was told by staff that if it is not there, by default it is allowed. Van Aelstyn has added that (NNG) has threatened to do it by eminent domain.*

*Farmer asked who the injured party in this situation; Van Aelstyn responded that he is*

*the injured party because it would affect his property. Farmer asked how this would help, if the Board agrees with him, because no permit has been applied for; Van Aelstyn responded that then the gas company would stop from proceeding. Farmer stated that it is not what the Board does, it might be more appropriate in the court. He added that they could grant the request, but Van Aelstyn would still have nothing. Van Aelstyn stated that it wouldn't be nothing, it would be the opinion of the Board. Farmer stated that they shouldn't render a decision when it is not their fight.*

*Cherf asked if it would be effective for Van Aelstyn to ask the court for an injunction to get to his preferred outcome in the matter. Cherf also asked if the gas company as a public utility could override a decision by the Board through eminent domain. Wertheimer responded that he does not know eminent domain law when it comes to public utilities. He stated that a court would have to make the decision on eminent domain. He added there is still the zoning code so there would still be a decision on whether the parcel can have something built on it, which hasn't been made yet. Farmer stated that they are asking for a decision in advance, and they shouldn't do that. Farmer stated that the entire body would have to vote to approve since there are only four members present, and they should wait to make a decision until five members are present. He stated that he would be in favor of deferring or tabling.*

**A motion was made by Farmer, seconded by Johnson, that the Administrative Appeal be TABLED. The motion carried by the following vote:**

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

**Absent:** 1 - Gentry

## **Adjournment**

*Meeting adjourned at 5:43 p.m.*