



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>



8/29/23

Karl Schilling

3001 State St

La Crosse, WI 54601

RE: An appeal regarding the requirement to use the business space as a cosmetology shop at 3001 State Rd., La Crosse, Wisconsin.

Dear Karl Schilling,

You have contacted our department about occupying the property at 3001 State Rd. as a retail shop, currently the building is only to be used as a cosmetology shop which is a non-conforming use in the R-1 zoning district in which it is a part of, in order for you to change use from one non-conforming use to another you must first get the approval of the board of zoning appeals.

We invite your attention to the municipal code section that requires approval from the Board of Zoning Appeals:

15.27(A)

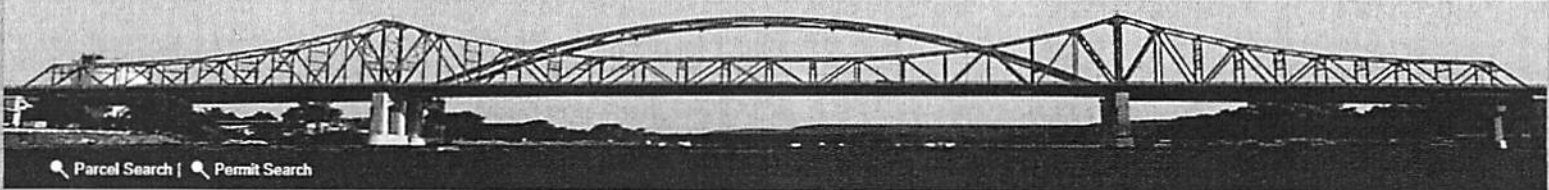
- (3) A nonconforming use may be changed to a use of higher classification but not to a use of lower classification, nor shall a nonconforming use be changed to another use of the same classification unless the new use shall be deemed by the Board of Appeals, after public notice and hearing, to be no more harmful to the surrounding neighborhood, from the standpoint of the purposes of this Chapter, than the existing nonconforming use, provided, however, the Board of Appeals shall not have authority to authorize structural alterations or additions to be made to the building or structures nor authorize an extension of a nonconforming use. (Am. Ord. # 2955 - 2/13/86)

The Board of Zoning Appeals will have to approve of the change in use before an occupancy permit can be issued for this property.

Sincerely,

James Woychik

Electrical Inspector



[Parcel Search](#) | [Permit Search](#)

3001 STATE RD LA CROSSE

Parcel:	17-40114-10	Internal ID:	34927
Municipality:	City of La Crosse	Record Status:	Current

[Print View](#)

Parcel Information:

Parcel:	17-40114-10
Internal ID:	34927
Municipality:	City of La Crosse
Record Status:	Current
On Current Tax Roll:	Yes
Total Acreage:	0.214
Township:	15
Range:	07
Section:	09

Legal Description:

BLUFFVIEW GARDENS ADDITION LOT 10 BLOCK 4 SUBJ TO ESMT IN V1172 P800 LOT SZ: 1RR

Property Addresses:

<u>Street Address</u>	<u>City/Postal</u>
3001 STATE RD	LA CROSSE

Owners/Associations:

<u>Name</u>	<u>Relation</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
PROPERTY LOGIC LLC	Owner	PO BOX 2132	LA CROSSE	WI	54602-2132

Districts:

<u>Code</u>	<u>Description</u>	<u>Taxation District</u>
2849	LA CROSSE SCHOOL	Y

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- [Taxes](#)
- [Outstanding Taxes](#)
- [Assessments](#)
- [Deeds](#)
- [Permits](#)
- [History](#)

BOARD OF APPEALS

La Crosse, Wisconsin

DECISION UPON APPEAL

..... Fletcher Estate having appealed
from an order of the Building Inspector denying an application for Certificate of Occupancy to change the use from a Barber shop to a Cosmetology salon (both nonconforming) at 3001 State Road, and described as Lot 10, Block 4, of Plt. of Bluffview Gardens Addition to the City of La Crosse

and due notice having been given by mail to all property owners and lessees within 300 feet of the property which is the subject of this appeal, and similar notice having been published in the La Crosse Tribune more than five (5) days prior to the time of hearing hereon, and testimony having been received and heard by said Board in respect thereto, and having been duly considered, and being fully advised in the premises,

And it appearing to said Board that the order of the building inspector ~~is~~ contrary to the zoning ordinance,
is not

motion was made to grant the variance to the Fletcher Estate at 3001 State Road to change the nonconforming use from a barber shop to a cosmetology salon and to be limited to the area previously used as a barber shop and to include only two chairs. The restriction being placed on this variance reflects the concern of surrounding property owners and the limited availability of parking space at this location. The previous use of this structure as a barber shop and the recognition of the current size of the structure was deemed the reason to grant the variance as it would not represent a significant change in the use or damage to surrounding property owners.

(Note: Work shall be begun with 180 days after the date of this determination.)

WHEREFORE, IT IS ORDERED: That the decision of the Building Inspector be ~~affirmed~~ reversed.

Dated this 20th day of November, 1985

ATTEST:

Aubrey J. Jones
Secretary

Robert J. Munn
Chairman

Concurring:

Myke J. [Signature]
Donald W. Osting
[Signature]

Dissenting:



LEGAL DEPARTMENT
CITY HALL
400 LA CROSSE STREET
LA CROSSE WI 54602-3396
PHONE 608/789-7511
FAX 608/789-7390

Patrick J. Houlihan
City Attorney

Peter B. Kiskien
Assistant City Attorney

February 14, 2006

Kevin Biondo
9542 Hwy 16 Frontage Road
Onalaska, WI 54650

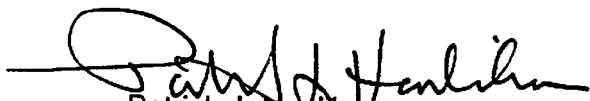
SENT VIA FAX
608-781-0510

RE: 3001 State Road, City of La Crosse, Wisconsin

Dear Mr. Biondo:

This is to advise you that the property located at 3001 State Road is to be used as a cosmetology salon, and limited to the area that was previously used as a barber shop and include only two (2) chairs. Enclosed herewith you will find copy of decision of the Board of Zoning Appeals dated November 20, 1985. I understand that this property is being closed on this coming Friday, and I assume that the owner has also been advised of these restrictions with respect to the use of the property. Please contact me should you have any questions.

Sincerely,


Patrick J. Houlihan
City Attorney

PJH/tme

Enclosure

Cc: Joe Ledvina - Council Member
✓ Ken Dentice - Director of Buildings and Inspections
Larry Kirch - City Planner

STANDARDS FOR USE 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 a 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 and 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 no reasonable use of the property. An applicant would have to demonstrate that none of the uses allowed as permitted or conditional uses in the current zoning district are feasible for the property in order to comply with this task. This circumstance is highly unlikely.
 - 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.