



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Meeting Agenda - Final Board of Zoning Appeals

Monday, September 18, 2023

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 September 18, 2023:**

[2670](#) An appeal regarding the requirement that only one shed is permitted on a lot at 1521 Main St., La Crosse, Wisconsin.

*Item tabled at the 6/19/2023 meeting*

[2675](#) An appeal regarding the requirement to use the business space as a cosmetology shop at 3001 State Rd., 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](mailto: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 6th day of September, 2023*

*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](mailto:ADAcityclerk@cityoflacrosse.org), with as much advance notice as possible.*

**Board of Zoning Appeals Members:**

**James Cherf, Douglas Farmer, Anastasia Gentry, Ryan Haug, William Raven, First Alternate  
James Szymalak, Second Alternate Jai Johnson**



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Text File

File Number: 2670

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**Agenda Date:** 9/18/2023

**Version:** 1

**Status:** Tabled

**In Control:** Board of Zoning Appeals

**File Type:** BOZA - Request for  
Variance

**Agenda Number:**

# Board of Zoning Appeals Variance Application

*(To be completed by City Clerk or Zoning Staff)*

City of La Crosse, Wisconsin

Application No.: 2670

Filing Fee: 300.00

Date Filed: 6-2-23

Date Paid: 6/2/2023

Application Complete: Yes  No  Reviewed By MS (Initial)

*(To be completed by the applicant)*

Application Deadline: 5:00 p.m. the first Monday of every month.

Building Permit Application Deadline: 10 Calendar Days prior to the first Monday of every month for the City of La Crosse Fire Department – Division of Community Risk Management to provide review. Any building permit submitted after this deadline must wait until the following month's Board of Zoning Appeals meeting.

	Owner / Agent	Contractor
Name	<u>Rickie Johnson</u>	
Address	<u>1521 Main St</u>	
Phone	<u>(608) 790-7803</u>	

Legal Description: 1521 Main St, City of La Crosse, Wis.

Tax Parcel Number: 17-20229-100

Lot Dimensions and Area: 50~~2~~ x 151~~8~~ feet. = ~~7,500~~ sq. ft. 7,500

Zoning District: R-1

A variance is a relaxation of a standard in a land use ordinance. The Board of Zoning Appeals decides variances. The Board is a quasi-judicial body because it functions like a court. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. The burden of proof falls on the variance applicant.

### Process:

At the time of application, you will be asked to:

- Complete an application form and timely submit it with a non-refundable fee as required in La Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.
- Provide detailed plans describing your lot and project (location, dimensions, and materials);
- Provide a written statement of verifiable facts showing that your project meets the legal criteria for a variance (Three-Step Test below); and
- Stake out lot corners or lines, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

Following these steps, the City of La Crosse Fire Department – Division of Community Risk Management must approve the application as to form and completeness and then the application and fee must be submitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board must deny your request for a variance and your fee will be forfeited.

**Part A: General Information and Alternatives Analysis.**

*(To be completed by the applicant).*

**1. General Information.**

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

(a) Current use and improvements.

Asking for variance to put up  
a 5x6 Storage Bin to replace  
old storage bin

(b) Proposed Use.

Store Antiques

(c) Description and date of any prior petition for variance, appeal, or special exception.

N/A

(d) Description and location of all nonconforming structures and uses on the property.

Diagram is included

(e) Ordinance standard from which variance is being sought (include code citation).

5X6 Plastic Storage Bin  
115-390

(f) Describe the variance requested.

page added

(g) Specify the reason for the request.

Upgraded to a new 5x6 plastic storage bin  
the existing shed (8x10) was dilapidated and  
a hazard.

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

Antiques would be destroyed

**2. Alternatives.**

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

- **Alternatives you considered 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 reasons why you rejected them.

N/A

- **Alternatives you considered that require a lesser variance.** If you reject such alternatives, provide the reasons why you rejected them.

Storage Bin has been in place since 2017

N/A

**Part B: Three-Step Test.**

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

**1. Unique Property Limitation. (To be completed by the applicant).**

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.

**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.** *(To be completed by zoning staff).*

The Zoning Board must consider the purpose and intent of zoning codes when considering a variance request. As promulgated by the City of La Crosse Common Council, the purpose and intent of the La Crosse Zoning Code include, but is not limited to, the following:

§ 8-86	§ 101-58	§ 109-6
§ 115-3	§ 115-140	§ 115-141
§ 115-148	§ 115-156	§ 115-158
§ 115-211	§ 115-319	§ 115-437
§ 115-510	§ 115-548	§ 115-594

The failure of any particular city official to identify additional purpose and intent information on the application does not preclude the city official from raising the issue at the public hearing on the requested variance.



**(b) Purpose(s) of Standard from which Variance is Requested. (To be completed by zoning staff).**

The City of La Crosse Building Inspector, Code Enforcement Officer and any other officials may be aware of other reasons a particular ordinance standard is required. The city official(s) may list those reasons on this application. The failure of any particular city official to identify additional purpose information on this application does not preclude the city official from raising the issue at the public hearing on the requested variance.

**(c) Analysis of Impacts. (To be completed by applicant).**

Discuss impacts (e.g. increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For each impact, 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):**

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

N/A

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

N/A

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

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

N/A

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

N/A

**(3) Cumulative Impacts (what would happen if a similar variance request was granted for many properties?):**

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

N/A

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

N/A

**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.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

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

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

Area variance

Use variance

Is unnecessary hardship present?

Yes. Describe.

*Letter is added*

No. A variance cannot be granted.

**Part C: Additional Materials / Exhibits.**

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 yards
- 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 the Planning and Development Department to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 1521 Main St LaCrosse, WI

(Address where variance is sought)

Date: 5/31/23 Signature of Owner: Richie Johnson

**Part E: Certification.**

You must sign your application, certifying that it and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered. You also must get the application notarized by a certified notary.

Submit completed application to: Board of Zoning Appeals  
400 La Crosse St.  
Clerk's Office- 2nd Floor  
La Crosse, Wisconsin 54601

Submit complete copy to: Chief Inspector  
400 La Crosse St.  
City of La Crosse Fire Department –  
Division  
of Community Risk Management  
La Crosse, Wisconsin 54601

By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of 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) Michelle Johnson

Date: 5/31/23

Signed: (Owner, if different from applicant) Michelle Johnson

Date: 5/31/23

THE APPLICANT OR AGENT Michelle Johnson

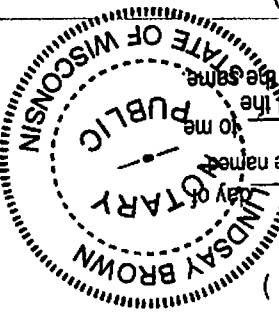
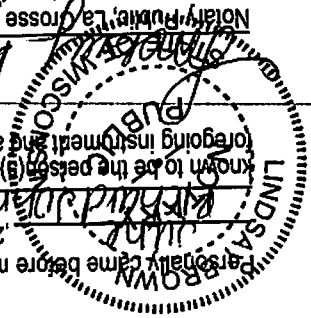
By:

STATE OF WISCONSIN )  
COUNTY OF LA CROSSE )

STATE OF WISCONSIN )  
COUNTY OF LA CROSSE )

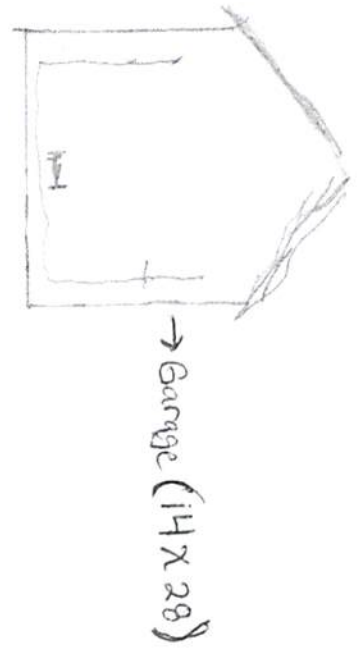
Personally came before me this 1 day of June, 2023 the above named Michelle Johnson known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Personally came before me this 1 day of June, 2023 the above named Michelle Johnson known to be the person(s) who executed the foregoing instrument and acknowledged the same.



Notary Public, La Crosse County, WI  
My commission expires: 05/31/2025

Notary Public, La Crosse County, WI  
My commission expires: 05/31/2025



\* The Plastic bin has be up since 2017, replace the previous metal Shed,



**City of La Crosse, State of Wisconsin  
Municipal Court Citation and Complaint**

Citation Number <b>MU-020218221</b>
Deposit Permitted <b>\$250.00</b>

You are Notified to Appear Is this a mandatory appearance? No  Date: 2/8/2023 Time: 8:30 AM Location: La Crosse Municipal Court 400 La Crosse St La Crosse, WI 54601	Defendant Name - Last <b>JOHNSON</b>	First <b>RICHARD</b>	MI <b>E</b>
	Street Address <b>1521 MAIN ST</b>	City <b>LA CROSSE</b>	State <b>WI</b>
Plaintiff <b>City of La Crosse</b>			
Defendant Violated: Ordinance No. <b>115-390.(2)c.</b>		Adopting State Statute No.	
Description of Violation: <b>Failure to remove 2nd shed from property.</b>			
Week Day <b>Thu</b>	Month / Day / Year <b>1/12/2023</b>	Time <b>11:25am</b>	
At <b>1521 Main St.</b>		County <b>La Crosse</b>	
Citation Served <b>Mailed to defendant's last known address</b>		Officer Name <b>David Reinhart</b>	Department <b>CRM</b>
		Date Citation Issued <b>1/12/2023</b>	

**INSTRUCTIONS - READ CAREFULLY**

**APPEARANCE NOT MANDATORY:**

**IF YOU WISH TO DISPUTE THE CITATION**, you must appear in court on your court date. You may do so even if you have already paid the deposit or posted a bond. If you cannot appear on your court date, call the court office to reschedule.

**IF YOU DO NOT WISH TO DISPUTE THE CITATION**, simply mail in the "deposit permitted" amount of **\$250.00** by your court date, with a statement saying you do not wish to contest the citation. Please include either:

- a photocopy of your citation, **OR**
- your correct name and address, citation number, court appearance date listed above on the citation.

Make check payable to the **City Treasurer** and mail to the **La Crosse Municipal Court**, at the following address: **400 La Crosse St, La Crosse, WI 54601**. You do not need to appear.

**IF YOU DO NOTHING:**

The court will find you guilty for failing to appear in court and order you to pay the forfeiture and costs imposed by the court.

Failure to pay by the due date imposed by the court will result in your debt being sent to the WI Department of Revenue State Debt Collection agency or issue a warrant for your arrest and incarceration for failure to pay.





**City of La Crosse, State of Wisconsin  
Municipal Court Citation and Complaint**

Citation Number  
**MU-020218223**

Deposit Permitted  
**\$691.00**

You are Notified to Appear Is this a mandatory appearance? No		Defendant Name - Last <b>JOHNSON</b>		First <b>RICHARD</b>		MI <b>E</b>	
Date: 4/5/2023 Time: 8:30 AM Location: La Crosse Municipal Court 400 La Crosse St La Crosse, WI 54601		Street Address <b>1521 MAIN ST</b>		City <b>LA CROSSE</b>		State <b>WI</b>	
				Zip Code <b>54601</b>			
		Plaintiff <b>City of La Crosse</b>					
Defendant Violated: Ordinance No. <b>115-390.(2)c.</b>		Adopting State Statute No.		Description of Violation: <b>Failure to remove 2nd shed from property.</b>			
Week Day <b>Fri</b>	Month / Day / Year <b>3/17/2023</b>	Time <b>9:15am</b>					
At <b>1521 Main St.</b>		County <b>La Crosse</b>					
Citation Served <b>Mailed to defendant's last known address</b>		Officer Name <b>David Reinhart</b>		Department <b>CRM</b>		Date Citation Issued <b>3/17/2023</b>	

**INSTRUCTIONS - READ CAREFULLY**

**APPEARANCE NOT MANDATORY:**

**IF YOU WISH TO DISPUTE THE CITATION**, you must appear in court on your court date. You may do so even if you have already paid the deposit or posted a bond. If you cannot appear on your court date, call the court office to reschedule.

**IF YOU DO NOT WISH TO DISPUTE THE CITATION**, simply mail in the "deposit permitted" amount of **\$691.00** by your court date, with a statement saying you do not wish to contest the citation. Please include either:

- a photocopy of your citation, **OR**
- your correct name and address, citation number, court appearance date listed above on the citation.

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**City of La Crosse, State of Wisconsin  
Municipal Court Citation and Complaint**

MU-020218222

Deposit Permitted  
**\$439.00**

You are Notified to Appear Is this a mandatory appearance? No		Defendant Name - Last <b>JOHNSON</b>		First <b>RICHARD</b>		MI <b>E</b>	
Date: 3/22/2023 Time: 8:30 AM Location: La Crosse Municipal Court 400 La Crosse St La Crosse, WI 54601		Street Address <b>1521 MAIN ST</b>		City <b>LA CROSSE</b>		State <b>WI</b>	
						Zip Code <b>54601</b>	
		Plaintiff <b>City of La Crosse</b>					
Defendant Violated: Ordinance No. <b>115-390.(2)c.</b>		Adopting State Statute No.		Description of Violation: <b>Failure to remove 2nd shed from property.</b>			
Week Day <b>Fri</b>	Month / Day / Year <b>3/10/2023</b>	Time <b>7:36am</b>					
At <b>1521 Main St.</b>		County <b>La Crosse</b>					
Citation Served <b>Mailed to defendant's last known address</b>		Officer Name <b>David Reinhart</b>		Department <b>CRM</b>		Date Citation Issued <b>3/10/2023</b>	

**INSTRUCTIONS - READ CAREFULLY**

**APPEARANCE NOT MANDATORY:**

**IF YOU WISH TO DISPUTE THE CITATION,** you must appear in court on your court date. You may do so even if you have already paid the deposit or posted a bond. If you cannot appear on your court date, call the court office to reschedule.

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# CITY OF LA CROSSE

OFFICE OF MUNICIPAL JUDGE  
HON. DENNIS A. MARCOU

City Hall  
Municipal Court Office  
400 La Crosse Street  
La Crosse, WI 54601  
Phone: (608) 789-7290  
[cityoflacrosse.org/municipalcourt](http://cityoflacrosse.org/municipalcourt)

April 21, 2023

RICHARD E JOHNSON  
1521 MAIN ST  
LA CROSSE, WI 56401

CITY V. RICHARD E JOHNSON

RE: CITATION #: MU-020218221, MU-020218222 & MU-020218223  
CHARGE: HEIGHT AND AREA REGULATIONS X 3

## REMINDER OF TRIAL DATE!

Trial on the above case is set for:

**5/03/2023 AT 10:30 AM**

The original notice of the trial date was either given to you when you appeared in Court at your initial appearance or sent to you through the mail. This letter is sent to you as a reminder. The trial will not be reset.

The trial will be held in the Council Chambers in City Hall, located at 400 La Crosse Street, La Crosse, WI, 54601.

If you have changed your mind and no longer want the trial, please call our office immediately.

Be advised if you fail to appear, you will be found guilty by default. Additional fees of up to \$75.00 per police officer may be imposed.

Sincerely,

Dennis A. Marcou  
Municipal Judge

kch

# OFFICIAL ORDER TO CORRECT CONDITION OF PREMISES

RICHARD & TERI JOHNSON  
1512 MAIN ST  
LA CROSSE, WI 54601

Ref No: OTC-BLDG-020218-2022

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Parcel: 17-20229-100 (1521 MAIN ST )

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A recent inspection of the above captioned premises revealed conditions that are in violation of the Ordinances for the City of La Crosse and/or Wisconsin Administrative Code. Failure to correct the violations noted herein within the time set or failure to comply with the notice may subject you to prosecution and to penalties of up to \$500.00 per violation and/or other penalties in the manner provided in of the City of La Crosse Municipal Code.

You are hereby ordered to correct each violation listed below by the following date: 10/17/2022, except as otherwise set forth below. Your failure to maintain compliance with this order may subject you to prosecution as noted above.

*VIOLATION: PER MUNICIPAL CODE SEC 115-390.(2)C. Only one yard shed is allowed and cannot exceed 120 square feet. Please remove the the recently constructed yard shed. Also, a permit is required for the construction of yard sheds per the municipal code.*

Pursuant to the City of La Crosse Municipal Code of Ordinances.

By order of the Fire Department - Division of Community Risk Management per Inspector: Kelsey.

For further information, call the above named Inspector at (608) 789-8675 or the department's main number (608) 789-7530. Department hours are from 7:30 a.m. to 4:30 p.m. weekdays.

This order was served via US Mail on 09/16/2022.

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Inspector: *Kelsey*

By Kelsey on 09/16/2022



## OFFICIAL ORDER TO CORRECT CONDITION OF PREMISES

RICHARD & TERRI JOHNSON  
1521 MAIN ST  
LA CROSSE, WI 54601

Ref No: **OTC-BLDG-020218-2022**

---

Parcel: **17-20229-100** (1521 MAIN ST )

---

A recent inspection of the above captioned premises revealed conditions that are in violation of the Ordinances for the City of La Crosse and/or Wisconsin Administrative Code. Failure to correct the violations noted herein within the time set or failure to comply with the notice may subject you to prosecution and to penalties of up to \$500.00 per violation and/or other penalties in the manner provided in of the City of La Crosse Municipal Code.

You are hereby ordered to correct each violation listed below by the following date: 11/28/2022, except as otherwise set forth below. Your failure to maintain compliance with this order may subject you to prosecution as noted above.

*VIOLATION: PER MUNICIPAL CODE SEC 115-390.(2)C. Only one yard shed is allowed and cannot exceed 120 square feet. Please remove the the recently constructed yard shed. Also, a permit is required for the construction of yard sheds per the municipal code.*

Pursuant to the City of La Crosse Municipal Code of Ordinances.

By order of the Fire Department - Division of Community Risk Management per Inspector: Kelsey.

For further information, call the above named Inspector at (608) 789-8675 or the department's main number (608) 789-7530. Department hours are from 7:30 a.m. to 4:30 p.m. weekdays.

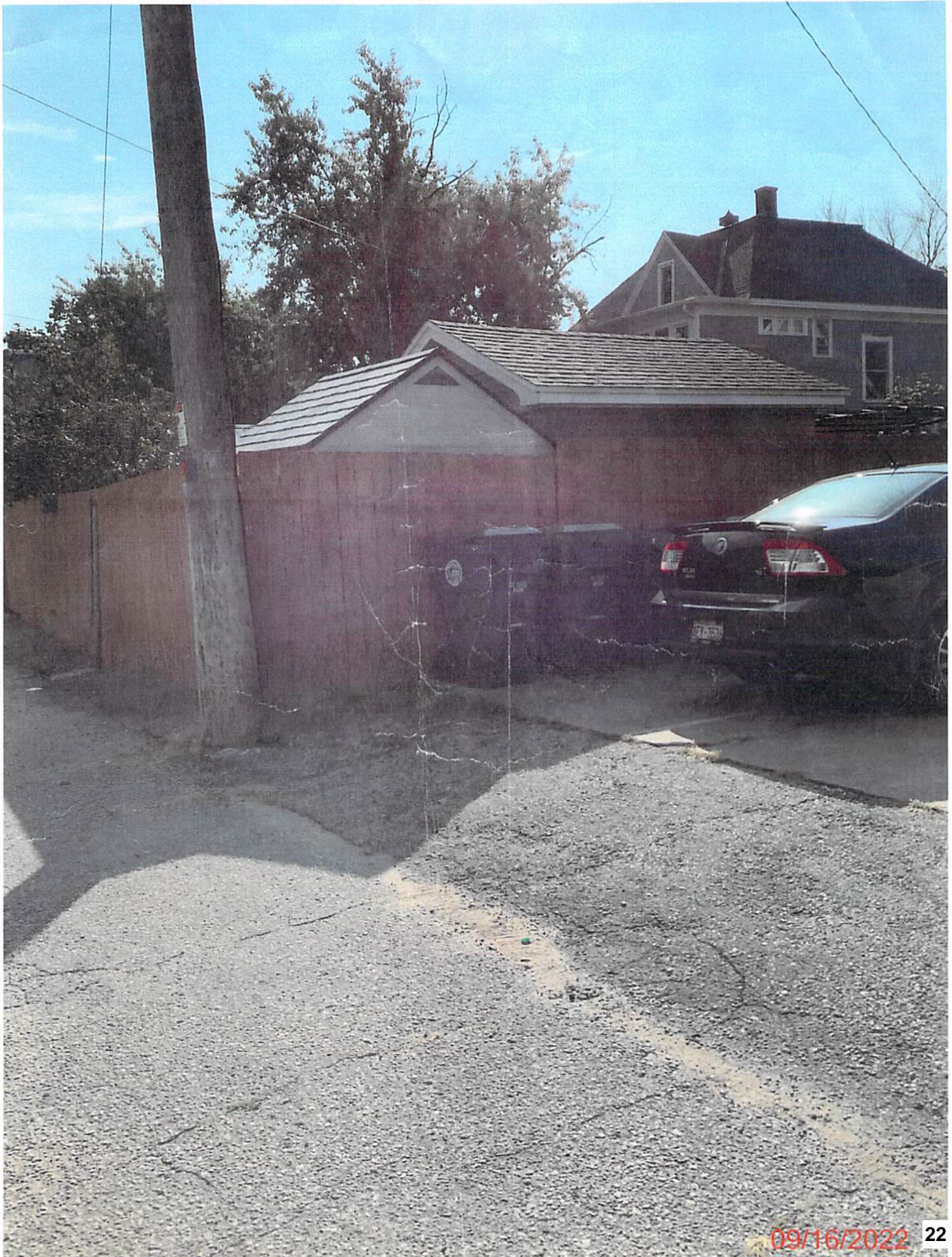
---

This order was served via US Mail on 09/28/2022.

---

Inspector: *Kelsey*

By Kelsey on 09/16/2022



09/16/2022

22



Richie Johnson <rjohnson@laxymca.org>



**Property Variance 1521 Main St**

1 message

**Richie Johnson** <rjohnson@laxymca.org>  
To: Richie Johnson <rjohnson@laxymca.org>

Wed, May 31, 2023 at 10:51 AM

To the Board of Zoning Appeals Variance Application

In July of 2022, my wife called in a complaint about the neighbors from a rental house east of my house (1521 Main St) and how they were parking in the alley and in the yard. A couple of weeks later we get a letter saying we have broken a code violation 115-390. When we moved into our house in 1999 there was an existing 8x10 dilapidated storage bin, which was a hazard to the neighborhood. I took it down and in 2017 added a 5x6 storage bin. In all these years not one neighbor has complained. I have been to court numerous times trying to rectify the situation. I do not trust the City of LaCrosse Municipal Court simply because of their unprofessional bullying tactics to have financial gain by sending me fines. I even offer to pay for a permit for a storage bin, that has been standing for Five years. I was denied! This is over a 5x6 plastic storage bin that sits on the concrete of the existing storage bin. The City of LaCrosse is being very vindictive toward honest taxpayers, for trying to keep our neighborhood respectful. I respectfully told them to reimburse us for our property taxes for the last five, that you asset my property value with the storage bin there.

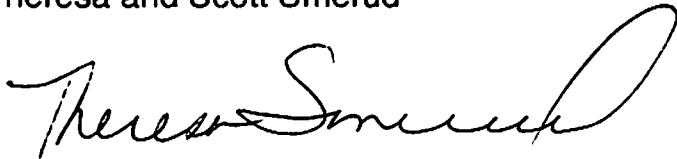
Thank You! Richie Johnson

To Whom it may concern:

I am a close neighbor to Rich and Terri Johnson at 1521 Main Street. I was made aware that they are seeking a variance from the city for a garden shed that is on their property, out of view from others, behind a high fence in the alley. I have been a neighbor for over 25 years, and I just found out about it today! I see absolutely no reason that a nice looking, well maintained shed would be considered inappropriate for our neighborhood, especially, since many of the single family resident properties in the past few years, have been purchased for, and made into college housing. We have had to witness the the quality of beautiful family homes deteriate before our eyes to accommodate extra parking, extra garbage, and the elevation of significant noise well int to the morning hours and not to mention the decrease in perceived value of our properties.

Therefore, I fully support the garden shed in the Johnson's private back yard.

Sincerely,  
Theresa and Scott Smerud

A handwritten signature in black ink, appearing to read "Theresa Smerud". The signature is written in a cursive style with a large, looping flourish at the end.





# 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>



RICHIE JOHNSON  
1521 MAIN ST.  
LA CROSSE, WI 54601

04/20/2023

RE: Denial of building permit application for the construction of a yard shed at 1521 Main St.

Mr. Johnson,

Thank you for submitting your building permit application for A NEW YARD SHED at the address of 1521 MAIN ST. After a review of the site plan submitted, the application is denied for the reason(s) stated below. Please contact CRM if you have any questions or need additional clarification. If desired, you may apply for a variance by contacting the City Clerk's office or following the instructions listed here: <https://www.cityoflacrosse.org/your-government/departments/city-clerk/forms-chart/board-of-zoning-appeals>.

1. Per Municipal Code Section 115-390(2)(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. In addition, to the requirements set forth above, a property with a tuck under garage shall be permitted to construct an unattached garage provided that the aggregate area of the two garages do not exceed all of the limits set forth above. The term "tuck under garage" means an attached garage which is built into the footprint of the principle structure and located below a habitable area of the house in its entirety. A garage shall be constructed of similar building materials and shall be similar in appearance as the principal structure. For purposes of this section, a shed no larger than 120 square feet is permitted as an accessory structure but shall also count toward the 35 percent coverage allotment and the 1,000 square foot maximum building footprint."

Sincerely,

Mike Suntken

City of La Crosse Building Inspector



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

## 1521 MAIN ST LA CROSSE

[Print View](#)

Parcel:	17-20229-100	Internal ID:	30171
Municipality:	City of La Crosse	Record Status:	Current

### Parcel Information:

Parcel:	17-20229-100
Internal ID:	30171
Municipality:	City of La Crosse
Record Status:	Current
On Current Tax Roll:	Yes
Total Acreage:	0.208
Township: ⓘ	16
Range: ⓘ	07
Section: ⓘ	32

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

### Legal Description:

METZGER & FUNK'S ADDITION LOT 10 BLOCK 22 LOT SZ: 50 X 151

### Property Addresses:

<u>Street Address</u>	<u>City(Postal)</u>
1521 MAIN ST	LA CROSSE

### Owners/Associations:

<u>Name</u>	<u>Relation</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
RICHARD E JOHNSON	Owner	1521 MAIN ST	LA CROSSE	WI	54601
TERRI L JOHNSON	Owner	1521 MAIN ST	LA CROSSE	WI	54601

### Districts:

<u>Code</u>	<u>Description</u>	<u>Taxation District</u>
2849	LA CROSSE SCHOOL	Y
2	Book 2	N

### Additional Information

<u>Category</u>	<u>Description</u>
2020+ VOTING SUPERVISOR	2020+ Supervisor District 4
2020+ VOTING WARDS	2020+ Ward 8
Use	1 UNIT

### Lottery Tax Information ⓘ

Lottery Credits Claimed:	1 on 10/30/2000
Lottery Credit Application Date:	10/4/2000

# 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.

## **Board of Zoning Appeals Procedure Handout**

- 1) You, or someone speaking on your behalf, should arrive at 4:00 p.m. for the meeting even if you are not listed first on the agenda.
- 2) Neighbors within 100 feet of the property (where the variance is requested) will receive a copy of the meeting notice. They may appear before the Board to speak for or against your appeal or they may write a letter in support of your appeal or against your appeal and submit it to the City Clerk's office. You may contact your neighbors and share your proposal with them so they are aware.
- 3) The Board will have received a copy of your denial letter from Community Risk Management, your variance application, and any other materials you have attached to your application. Any presentation to the Board is limited to written materials, diagrams and photographs. No electronic devices for presentations will be allowed. This restriction does not apply to the presentation by Community Risk Management. Public hearings before the Board may be limited to ten (10) minutes for the proponents, ten (10) minutes for the opponents and a three (3) minute rebuttal for each side. The Board reserves the right to extend these time limits as it determines.
- 4) The Board follows the criteria listed on the previous page to determine whether or not your request meets the standards set forth by the Wisconsin Supreme Court.
- 5) If the Board grants your appeal, after you receive your letter of the Board's decision, you may apply for your building permit. The letter will be mailed to you within a week, after the meeting has taken place.

<b>Tax Parcel</b>	<b>OwnerName</b>	<b>PROPADDCOMP</b>	<b>MAILING Address</b>	<b>MailCityStateZip</b>
17-20128-60	WISCONSIN EVANGELICAL LUTHERAN SYNOD	1530 MAIN ST	N16W23377 STONE RIDGE DR	WAUKESHA WI 53188-1108
17-20128-70	TRAVIS G WRIGHT	1522 MAIN ST	1522 MAIN ST	LA CROSSE WI 54601-4226
	COLIN H KLOS TRUST AGREEMENT			
17-20130-30	DIANN M KLOS TRUST AGREEMENT	1516 MAIN ST	1516 MAIN ST	LA CROSSE WI 54601-4226
17-20130-40	BLUFFVIEW HOLDINGS LLC	1508 & 1510 MAIN ST	2028 ROSE CT	LA CROSSE WI 54603
17-20228-140	MARY J GANDER	119 16TH ST N	66 BUCK RIDGE DR	WINONA MN 55987
17-20229-110	SCOTT J SMERUD, THERESA M SMERUD	1525 MAIN ST	1525 MAIN ST	LA CROSSE WI 54601-4261
17-20229-120	KENNETH A OGORZALEK, KIMBERLY J MORRIS	1535 MAIN ST	1535 MAIN ST	LA CROSSE WI 54601
17-20229-130	BARRE MEADOWS LLC	113 16TH ST N	N3645 OLD M RD	WEST SALEM WI 54669
17-20229-20	BRIAN C MILLER	1526 STATE ST	1820 TAHOE PL	ONALASKA WI 54650
17-20229-30	BENJAMIN H THOMPSON, CHRISTINA THOMPSON	1520 & 1522 STATE ST	1520 STATE ST	LA CROSSE WI 54601
17-20229-40	PAUL T NELSON, OPAL Z TULPO	1512 STATE ST	1512 STATE ST	LA CROSSE WI 54601
17-20229-50	ROBERT G SEWELL, DIANE L SEWELL	1510 STATE ST	1510 STATE ST	LA CROSSE WI 54601-3653
17-20229-80	ANDREW J DAHL, JAMIE E DAHL	1511 MAIN ST	1511 MAIN ST	LA CROSSE WI 54601
17-20229-90	OLYMPIC PROPERTIES LLC	1513 & 1515 MAIN ST	PO BOX 2896	LA CROSSE WI 54602-2896

Applicant: RICHARD E JOHNSON, TERRI L JOHNSON 1521 MAIN ST 1521 MAIN ST LA CROSSE WI 54601



# Board of Zoning Appeals

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JUNE 19TH, 2023

4:00 PM

# Requirements for granting a variance

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- Unnecessary Hardship
- Unique Property Limitations
- No Harm to Public Interest



2330 MISSISSIPPI ST

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# 2330 MISSISSIPPI ST

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- The applicant has applied for a permit to construct a new attached garage at this address.
- Municipal code 115-142(c)(1) Area regulations.

*Front yard, side yard and rear yard.* Front yard, side yard and rear yard regulations applicable in the Residence District shall apply to the Single Family Residence District.

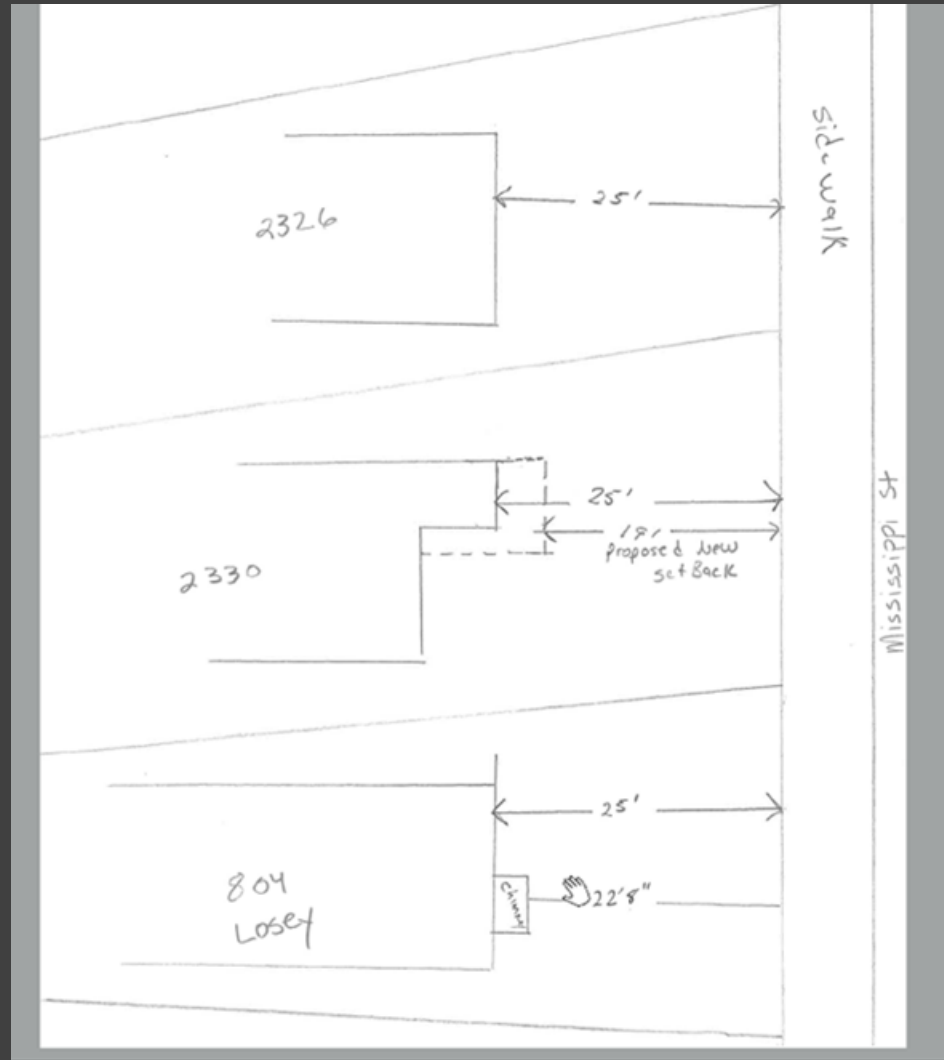
- Municipal code 115-143(c)(2) *Front yards.*

On every lot in the Residence District, **there shall be a front yard having a depth of not less than 25 feet**, provided that where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings, the required front yard depth shall be the average of the front yard depths of the two adjacent main buildings, or if there is only one adjacent main building the front yard depth of said main building shall govern; provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet in any case.

# 2330 Mississippi St.

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- The required front yard setback for this property is 25 feet.
- The owner proposes a front yard setback of 19 feet.
- A variance of 6 feet to the required 25 foot setback will be needed for this project to proceed as proposed.



2324

30163-60

2326

30163-50

2330

30163-40

30163-20

804

LOSEY-BLVD-S



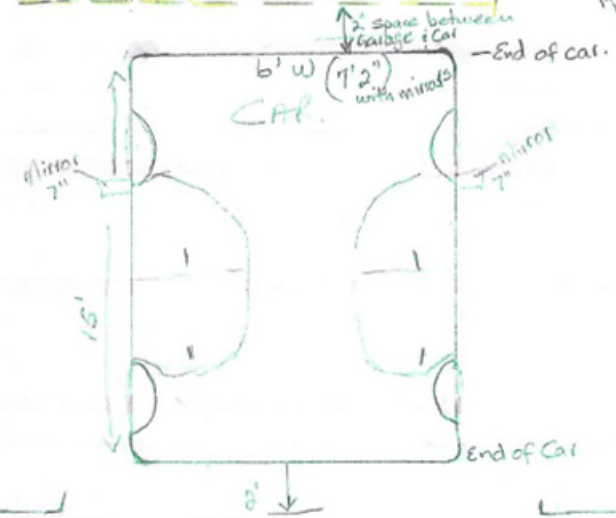
Drawing # 1

New Look - 2330 Mississippi St,  
La Crosse, WI 54601





Drawing #2  
Garage



Sidewalk



## 2330 Mississippi St.

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There was no hardship stated in the application.

There is a unique property limitation because there is no alley access.

There is no harm to the public interest.

700 WEST AVE S

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# 700 WEST AVE S

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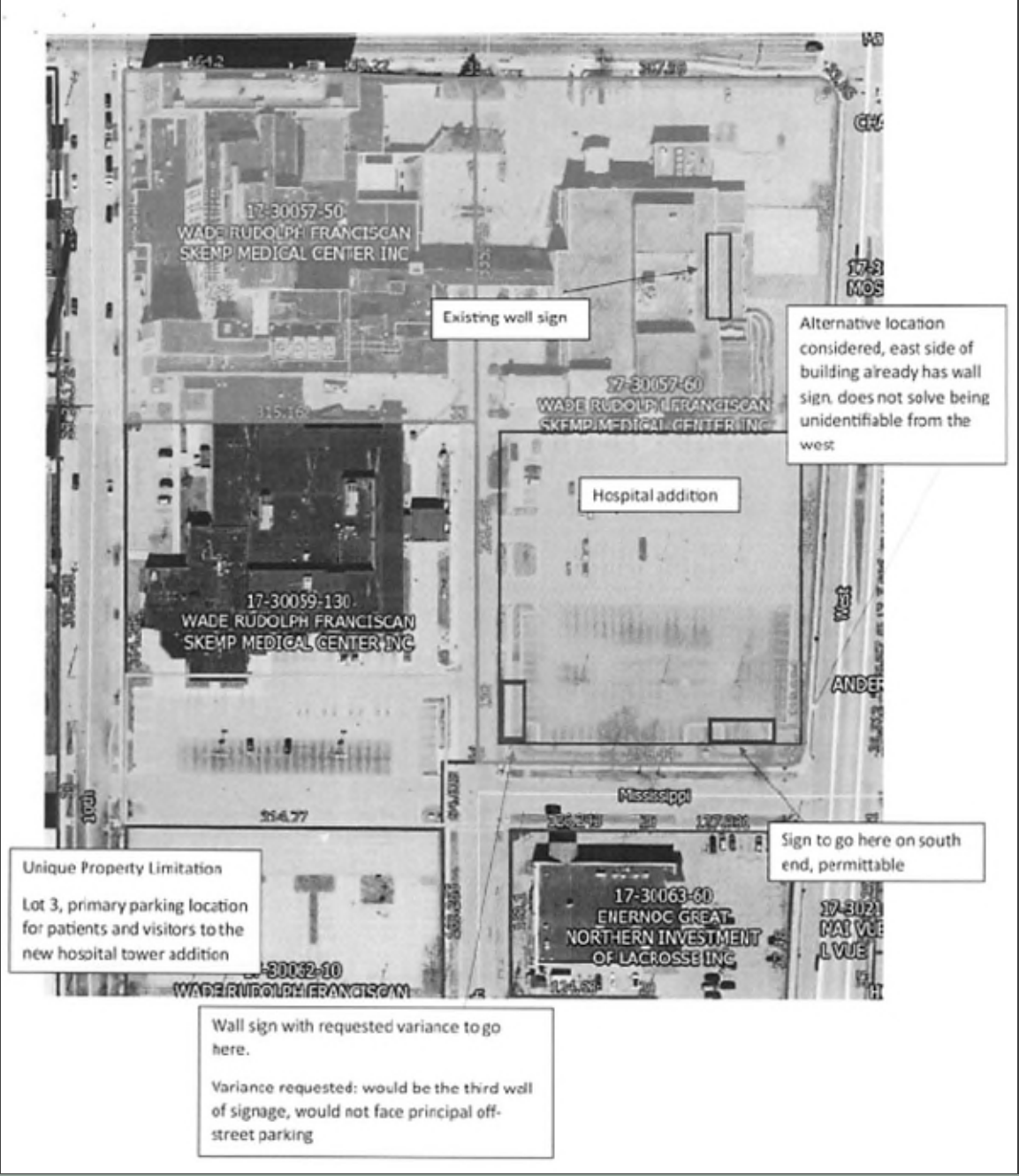
- The applicant has applied for a permit to add a wall sign to a third wall of the building that does not face the buildings principal off-street parking.
- Municipal code 111-94.-Wall Signs.

*Wall signs may be placed on **no more than two separate walls of a building. Such signs may be placed only on walls facing a public street or the principal off-street parking area serving the building.** On walls less than 75 feet tall, signage may cover not more than 25 percent of the area of each wall measured at the first 30 feet in height. On walls 75 feet in height or more, signage may take up no more than ten percent of the area of the wall. No wall sign shall exceed 672 square feet.*

# 700 WEST AVE S.

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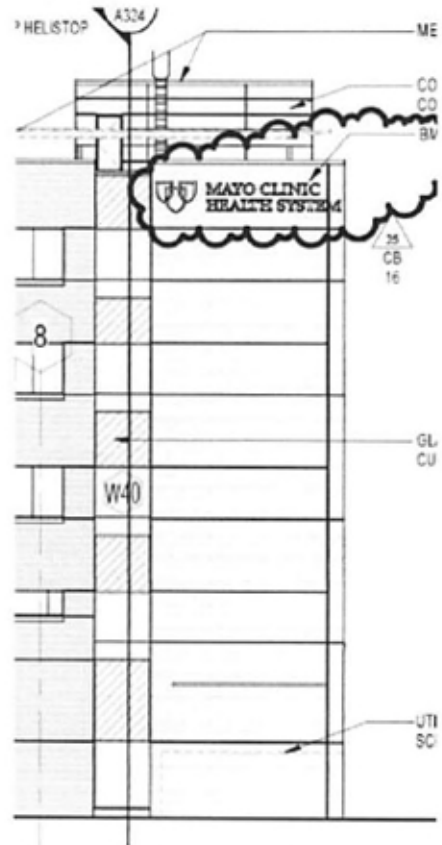
- Wall signs are only allowed on two separate walls of a building and the walls must face a street or principal parking for that building.
- The applicant is proposing to install a wall sign, located on a third wall, which does not face the buildings primary off-street parking or a public street.
- Two variances will be required for this proposal to proceed as submitted. One variance to allow a wall sign on a third wall of the building and a second to allow for that sign to not face the buildings primary off-street parking or a public street.



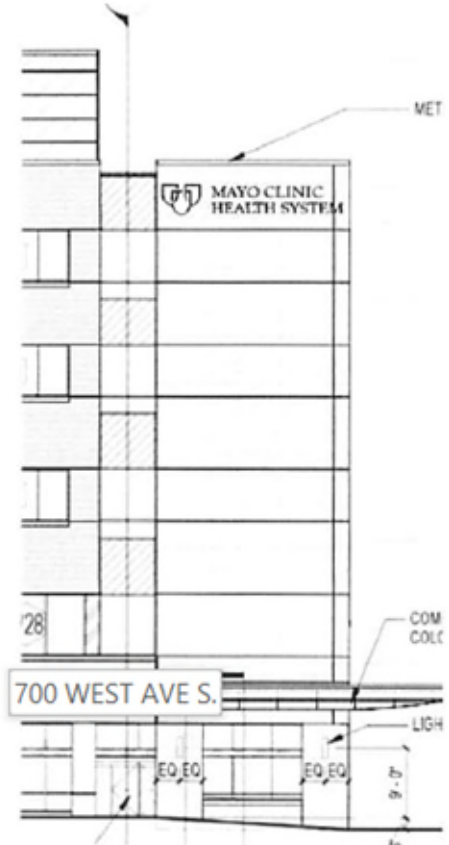
Face-Lit Channel Letters on Raceways



01/17



South Elevation



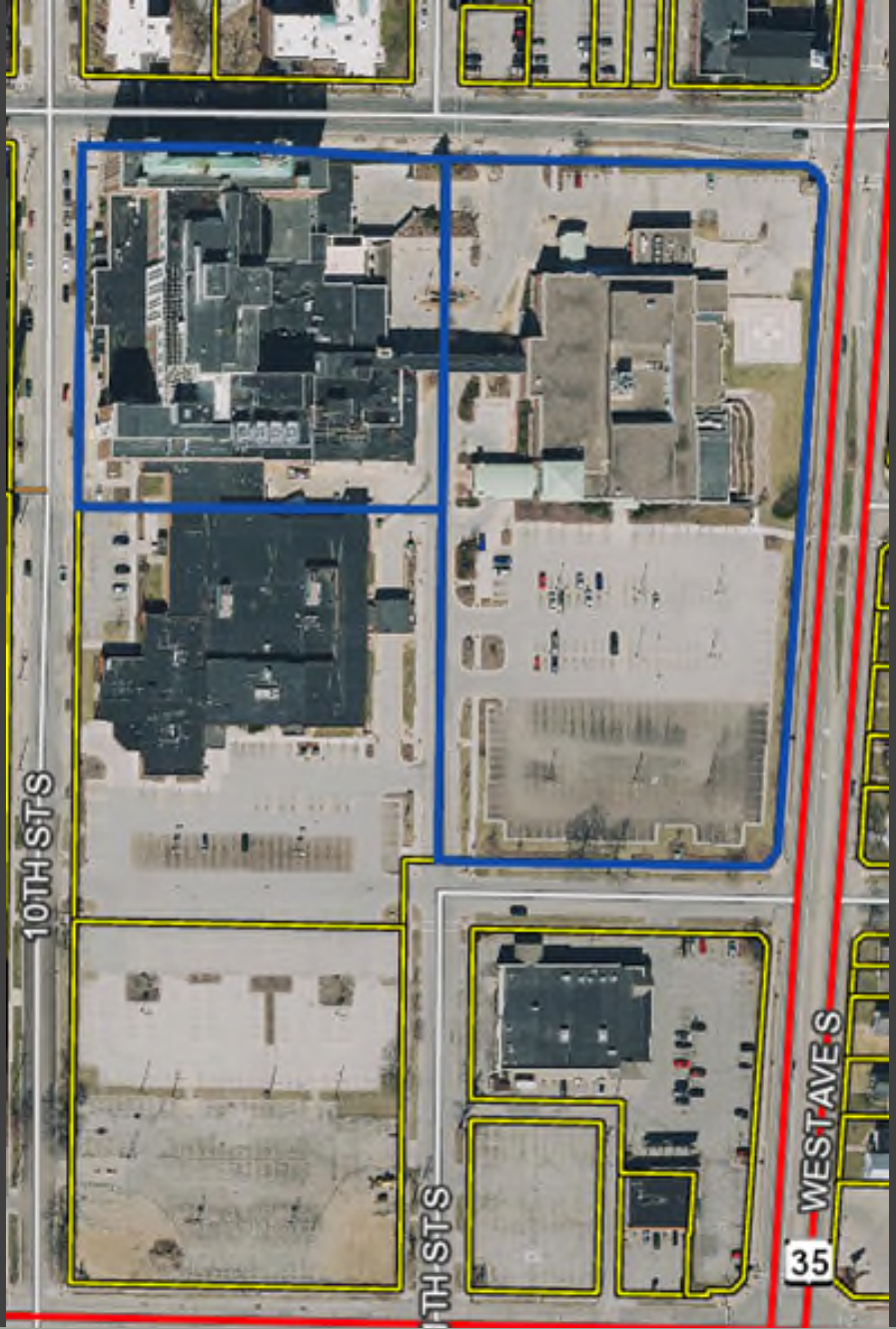
West Elevation

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Landlord: \_\_\_\_\_ Date: \_\_\_\_\_

\*Colors on sketch are only a representation, actual color of finished product may differ from this sketch.  
\*To make the best use of standard sized materials and control costs the size of the finished product may vary slightly

800 West Ave S  
La Crosse, Wisconsin  
[View on Google Maps](#)







# 700 WEST AVE S

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This is a self created hardship.

There is no unique property limitation.

This commercial lot is bigger than most lots in the City.

There is no harm to the public interest.

1521 MAIN ST

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# 1521 MAIN ST

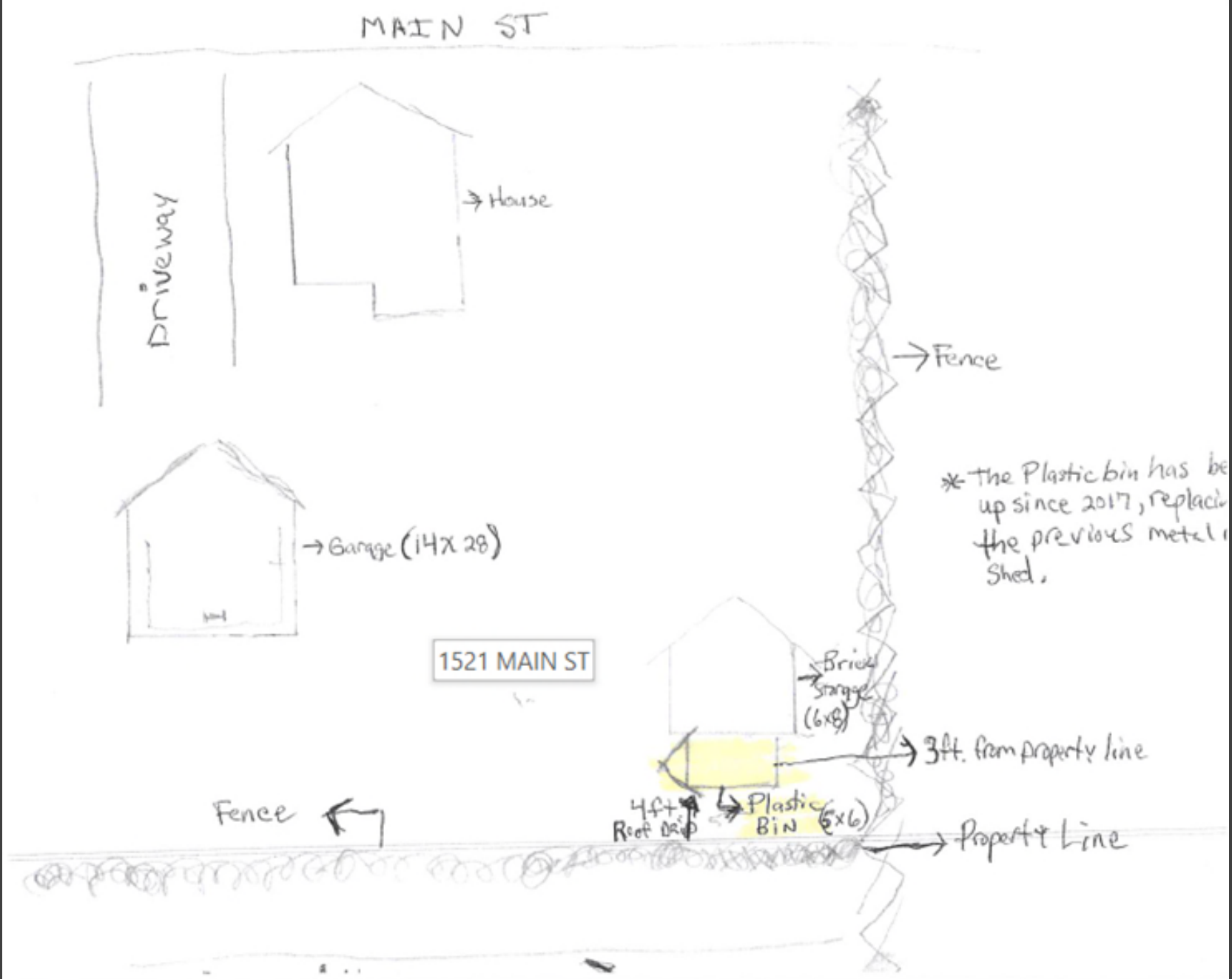
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- The applicant has applied for a permit to have a second yard shed installed on the property in addition to the existing yard shed and detached garage.
- Municipal code 115-390(2)(c).
- In all residential zoning districts the aggregate building area 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. In addition, to the requirements set forth above, a property with a tuck under garage shall be permitted to construct an unattached garage provided that the aggregate area of the two garages do not exceed all of the limits set forth above. The term "tuck under garage" means an attached garage which is built into the footprint of the principle structure and located below a habitable area of the house in its entirety. A garage shall be constructed of similar building materials and shall be similar in appearance as the principal structure. For purposes of this section, a shed no larger than 120 square feet is permitted as an accessory structure but shall also count toward the 35 percent coverage allotment and the 1,000 square foot maximum building footprint.

# 1521 MAIN ST

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- Only a single yard shed is allowed on a parcel.
- The applicant is proposing to install a second yard shed on the property.
- A variance allowing two yard sheds on a parcel will be needed for this project to proceed as proposed.







# 1521 MAIN ST

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- This presentation shall be added to the minutes of this meeting



\*\*\* Proof of Publication \*\*\*

Lee Enterprises Proof of Publication Affidavit

Retain this portion for your records. Please do not remit payment until you receive your advertising invoice.

Mail to:

LA CROSSE CITY CLERK  
NIKKI ELSEN  
400 LA CROSSE ST  
LA CROSSE WI 54601

ORDER NUMBER 122401

STATE OF WISCONSIN

} ss.

La Crosse County

*Artene Staff*

being duly sworn, doth depose and say that he (she) is an authorized representative of Lee Enterprises, publishers of

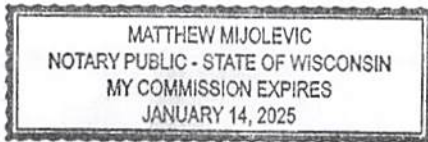
LA CROSS TRIBUNE

a newspaper, at La Crosse, the seat of government of said State, and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on the dates listed below.

Sworn to and subscribed before me this 13 day of JUN 2023, 2023

(Signed) *Artene Staff*  
(Title) Principal Clerk

Notary Public, Wisconsin



My Commission expires  
Section: Legals  
Category: 0001 Wisconsin Legals  
PUBLISHED ON: 06/13/2023

TOTAL AD COST: 73.11  
FILED ON: 6/12/2023

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 Monday, June 19, 2023:

2668 - An appeal regarding the requirement to provide a 25 foot setback from the front property line at 2330 Mississippi St., La Crosse, Wisconsin.

2669 - An appeal regarding the requirement that wall signs may be placed on no more than two separate walls of a building and signs must face a street or principal parking lot at 700 West Ave S, La Crosse, Wisconsin.

2670 - An appeal regarding the regulation limiting residential accessory structures to a maximum of 35 percent of the rear yard square footage at 1521 Main St., La Crosse, Wisconsin.

The Board of Zoning Appeals meeting is open in-person attendance and will also be conducted through video conferencing. The meeting can be viewed by visiting the Legislative Information Center & clicking on the "In Progress" video link to the far right in the meeting list (<https://cityoflacrosse.legistar.com/Calendar.aspx>).

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](mailto: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.

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 [ADAcity-clerk@cityoflacrosse.org](mailto:ADAcity-clerk@cityoflacrosse.org), with as much advance notice as possible.

Dated this 6th day of June, 2023  
Board of Zoning Appeals  
Nikki Elsen, Secretary  
6/13 LAC 122401 WNXALP



Rich and Terri Johnson  
1521 Main Street  
La Crosse, WI 54601  
[teamjohnson5@aol.com](mailto:teamjohnson5@aol.com)

Wednesday, July 5th, 2023

City of La Crosse Board of Zoning Appeals  
400 La Crosse Street  
La Crosse, WI 54601



Dear City of La Crosse Board of Zoning Appeals,

I hope this letter finds you well. I am writing to request a variance for my property located at 1521 Main Street, La Crosse, Wisconsin. I believe that granting this variance would be both reasonable and justifiable, considering the unique circumstances surrounding my property. I kindly ask for your support in approving my request.

One of the main factors supporting my variance request is the unique nature of my property and its distinct challenges. The property possesses a special or unique condition that warrants careful consideration. Constructed in 1949, well before the implementation of modern zoning ordinances, the property predates many of the existing regulations that govern its use. The property, being the final lot developed in the neighborhood, encountered limitations in terms of available space. Consequently, the structures on the property, including the garage and shed, were constructed with smaller dimensions due to the tight spatial constraints between the neighboring properties. Unfortunately, the current size of the garage and shed does not adequately accommodate the necessary materials required for proper maintenance of the property and to maintain its historical nature. In my pursuit of finding a suitable solution, I thoroughly explored the possibility of expanding the original storage shed adjacent to the one which initiated this sequence of events. Upon careful examination, it became evident that expanding the existing shed would necessitate the complete demolition of the entire structure. However, I am committed to preserving the historical significance of the property and have no intention of diminishing its unique character by demolishing the shed.

Furthermore, it is important to consider the minimal impact that granting this variance would have on the surrounding community. The proposed changes align with the overall aesthetics and character of the area and would not disrupt the harmony of the community. Notably, no arguments have been presented to suggest that granting this variance would be in any way contrary to the public interest. In fact, the Board received an unequivocal letter of support for the variance from our neighbor, further substantiating the fact that the proposed variance unequivocally aligns with the best interests and desires of the public.

I kindly request the Board's support in approving the variance for my property. I am confident that granting the variance would not only address the unique challenges I face but also promote a harmonious and balanced community. I am prepared to work closely with the Board to address any concerns and ensure that the variance aligns with the goals and objectives of the zoning regulations.

Sincerely,

Rich and Terri Johnson



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Text File

File Number: 2675

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**Agenda Date:** 9/18/2023

**Version:** 1

**Status:** Agenda Ready

**In Control:** Board of Zoning Appeals

**File Type:** BOZA - Request for  
Variance

**Agenda Number:**



# 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 Rd

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:

115-33.(1)c.

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

## Board of Zoning Appeals Variance Application

*(To be completed by City Clerk or Zoning Staff)*

City of La Crosse, Wisconsin

Application No.: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Application Complete: Yes \_\_\_\_\_ No \_\_\_\_\_

Filing Fee: 300.00  
Date Paid: 8/31/2023

Reviewed By \_\_\_\_\_ (Initial) Inv 19/19/17

*(To be completed by the applicant)*

Application Deadline: 5:00 p.m. the first Monday of every month.

Building Permit Application Deadline: 10 Calendar Days prior to the first Monday of every month for the City of La Crosse Fire Department – Division of Community Risk Management to provide review. Any building permit submitted after this deadline must wait until the following month's Board of Zoning Appeals meeting.

	Owner / Agent	Contractor
Name	Property Logic LLC (Karl Schilling)	
Address	PO Box 2132, La Crosse, WI 54602-2132	
Phone	608-317-4481	

Legal Description: 3001 State Road, City of La Crosse, Wis.

Tax Parcel Number: 17-40114-010

Lot Dimensions and Area: \_\_\_\_\_ x \_\_\_\_\_ feet = \_\_\_\_\_ sq. ft.

Zoning District: G1-Residential; District 5

A variance is a relaxation of a standard in a land use ordinance. The Board of Zoning Appeals decides variances. The Board is a quasi-judicial body because it functions like a court. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. The burden of proof falls on the variance applicant.

**Process:**

At the time of application, you will be asked to:

- **Complete an application** form and timely submit it with a non-refundable fee as required in La Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.
- **Provide detailed plans** describing your lot and project (location, dimensions, and materials);
- **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three-Step Test below); and
- **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

Following these steps, the City of La Crosse Fire Department – Division of Community Risk Management must approve the application as to form and completeness and then the application and fee must be submitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board must deny your request for a variance and your fee will be forfeited.

**Part A: General Information and Alternatives Analysis.**

*(To be completed by the applicant).*

**1. General Information.**

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

**(a) Current use and improvements.**

Residential and cosmetology salon per variance

**(b) Proposed Use.**

Retain current use of residential and cosmetology salon.

Add "retail sales" variance to accommodate sales of custom-made woodworking items.

**(c) Description and date of any prior petition for variance, appeal, or special exception.**

1985 Variance granted to allow change from barber shop to cosmetology shop.

- (d) **Description and location of all nonconforming structures and uses on the property.**  
Cosmetology space is currently leased to a woodworking retail outlet. Owner was unaware variance was limited to only cosmetology.
- (e) **Ordinance standard from which variance is being sought (include code citation).**  
not known
- (f) **Describe the variance requested.**  
Retain current use of residential and cosmetology salon.  
Add "retail sales" variance to accommodate sales of custom-made woodworking items.
- (g) **Specify the reason for the request.**  
Previous cosmetology tenant vacated the premises in January 2023. The space was advertised as a cosmetology space but remained vacant for 5 months. A retail woodworking sales tenant wanted to lease the premises and Property Logic proceeded, unaware of the narrow nature of the variance.
- (h) **Describe the effects on the property if the variance is not granted.**  
The space will likely remain vacant for an indeterminate time period. Vacant properties reflect poorly on the City and are more susceptible to vandalism.

## 2. Alternatives.

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

- **Alternatives you considered 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 reasons why you rejected them.

n/a

- **Alternatives you considered that require a lesser variance.** If you reject such alternatives, provide the reasons why you rejected them.

n/a

### **Part B: Three-Step Test.**

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

#### **1. Unique Property Limitation. *(To be completed by the applicant).***

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.



**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.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

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

**Are you applying for an area variance or a use variance?** **Area variance** **Use variance****Is unnecessary hardship present?** **Yes. Describe.**

Property Logic leased the space to Hanson's Hardware Designs in good faith, unaware of the narrow variance for cosmetology use only. It will create a hardship to Hanson's if the lease needed to be terminated. Also, the property is more susceptible to vandalism if it continues to be vacant because Property Logic has been unable to acquire a tenant in the cosmetology field.

 **No. A variance cannot be granted.****Part C: Additional Materials / Exhibits.**

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 yards
- 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"



# 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)

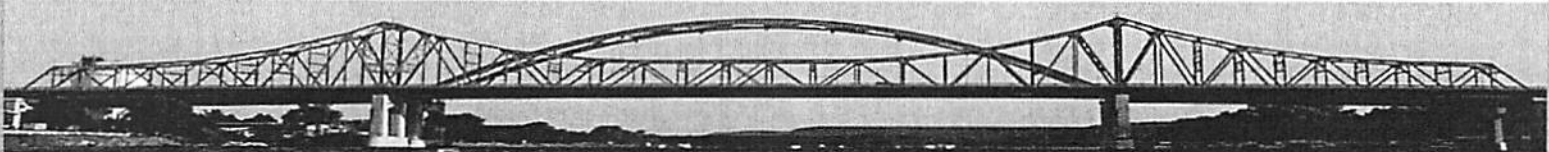
- (3) A nonconforming use may be changed to a use of higher classification but not to a use of lower classification, nor shall a nonconforming use be changed to another use of the same classification unless the new use shall be deemed by the Board of Appeals, after public notice and hearing, to be no 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

#### 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: <b>1</b>	15
Range: <b>1</b>	07
Section: <b>1</b>	09

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

#### 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

# 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 pub-  
 lished 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 ~~not~~  
 reversed.

Dated this 20th day of November, 19 85

*Robert M. ...*  
 Chairman

ATTEST:  
*Aubrey ...*  
 Secretary

Concurring:  
*...*  
 ...  
*Donald W. Osting*  
 ...

Dissenting:

File



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. Kiskan  
Assistant City Attorney

February 14, 2006

Kevin Biondo  
9542 Hwy 16 Frontage Road  
Onalaska, WI 54650

RECEIVED  
FEB 14 2006  
INSPECTION


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

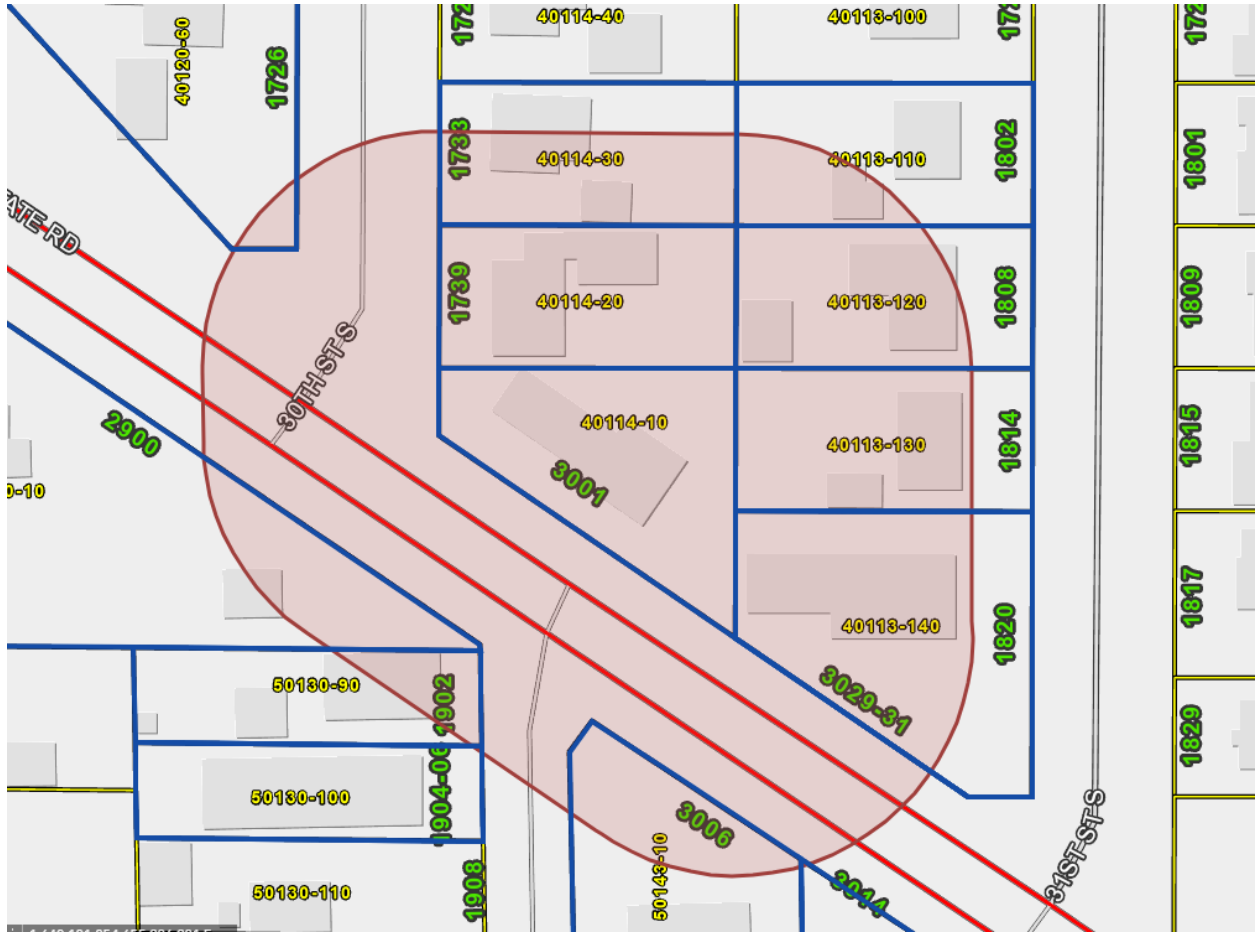
PJH/tme

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.





Tax Parcel Number	OwnerName	PROPADDCOMP	CompleteAddress	MailCityStateZip
17-40113-110	MAUREEN GALLUP IRREVOCABLE TRUST	1802 31ST ST S	1802 31ST ST S	LA CROSSE, WI 54601-6916
17-40113-120	DEVON MCDONELL	1808 31ST ST S	1808 31ST ST S	LA CROSSE, WI 54601
17-40113-130	CAMIE L SCHNEIDER	1814 31ST ST S	1814 31ST ST S	LA CROSSE, WI 54601-6916
17-40113-140	RODERICK E HAMILTON	3031 STATE RD	618 CLIFFWOOD LN	LA CROSSE, WI 54601-6017
17-40113-140	RODERICK E HAMILTON	1820 31ST ST S	618 CLIFFWOOD LN	LA CROSSE, WI 54601-6017
17-40113-140	RODERICK E HAMILTON	3029 STATE RD	618 CLIFFWOOD LN	LA CROSSE, WI 54601-6017
17-40114-20	BRYAN GARNES, GAYLE ZAKRAJSEK, PEGGY A GARNES	1739 30TH ST S	W290N9375 DIEBALL RD	HARTLAND, WI 53029
17-40114-30	DARYLL T JURY	1733 30TH ST S	920 KING ST	LA CROSSE, WI 54601-4118
17-40120-60	LARRY E NORRIS, SHARON L NORRIS	1726 30TH ST S	1726 30TH ST S	LA CROSSE, WI 54601-6906
17-50130-10	KEVIN J MACK, LISA M MACK, BRIAN J CORCORAN	2900 STATE RD	N5130 STUHR CT	ONALASKA, WI 54650-9178
17-50130-90	SEAN A MELFORD, KEITH H MELFORD	1902 30TH ST S	1902 30TH ST S	LA CROSSE, WI 54601
17-40114-10	PROPERTY LOGIC LLC	3001 STATE RD	PO BOX 2132	LA CROSSE, WI 54602-2132

TO: BOARD OF ZONING APPEALS

FROM: LARRY E. NORRIS

DATE: SEPTEMBER 18, 2023

RE: APPEAL #2675 CONCERNING 3001 STATE RD.

1

TO WHOM IT MAY CONCERN.

MYSELF AND MY RECENTLY DECEASED WIFE, SHARON, ARE THE PROPERTY OWNERS OF 1726 SO. 4<sup>TH</sup> 30<sup>TH</sup> ST., WHICH IS LOCATED DIRECTLY ACROSS THE STREET FROM 3001 STATE RD. AND HAVE BEEN SO SINCE LATE 1966.

MY LATE FATHER-IN-LAW, FRANK R. NANSCAWEN, PURCHASED THE PROPERTY, WHICH I NOW OWN, IN 1958. AT THAT TIME 3001 STATE RD. WAS OWNED BY ROGER FLETCHER. THIS PROPERTY CONSISTS OF A SINGLE STRUCTURE WITH LIVING QUARTERS ON ONE END, A SMALL ONE CAR GARAGE IN THE MIDDLE AND A SMALL SHOP AT THE END. MR. FLETCHER AND HIS WIFE LIVED IN THE HOUSE ON ONE END AND HE OPERATED A ONE CHAIR BARBER SHOP ON THE OTHER END. IT REMAINED SO UNTIL APPROXIMATELY 1989/90 WHEN THE FLETCHERS PASSED AWAY. AT ONE TIME MR. FLETCHER TOLD ME THERE WAS A COVENANT THAT IT COULD ONLY BE USED AS A BARBER/BEAUTY SHOP.

ON THEIR PASSING THE PROPERTY WENT TO THEIR TWO SONS WHO SUBSEQUENTLY SOLD IT. WITH THE STIPULATION STILL ATTACHED.



SINCE THEN THE SHOP HAS BEEN USED BY THREE SEPERATE BEAUTICIANS AS A ONE CHAIR OPERATION THE LAST CLOSING ON FEBRUARY 1, 2023. IT THEN HAS STOOD VACANT UNTIL MR. HANSON MOVED HIS BUSINESS IN.

SPEAKING WITH A PAST SHOP OWNER, SHE STATED SHE TRIED TO GET HER OWN REFUSE CONTAINERS FOR THE SHOP BUT BECAUSE THE WHOLE STRUCTURE WAS CONSIDERED ONE ADDRESS SHE WAS NOT ENTITLED TO ADDITIONAL CONTAINERS. IF THIS APPEAL WERE TO BE GRANTED DOES IT MEAN THE ENTIRE STRUCTURE COULD BE USED AS A BUSINESS? THE LIVING QUARTERS HAVE BEEN RENT AT VARIOUS TIMES BUT AT PRESENT APPEAR TO BE VACANT.

IT IS UNFORTUNATE THAT THE PROPERTY OWNER DID NOT AFFORD US THE CURTESY OF INFORMING US HIS PLANS SHOULD THE APPEAL BE GRANTED. ALSO THAT MR. HANSON WAS NOT OR SEEMINGLY NOT GIVEN A CLEAR EXPLANATION OF THE RESTRICTION BEFORE INVESTING TIME AND MONEY IN STARTING UP HIS BUSINESS AT 3001 STATE Rd.

JW Jones



2675

CITY CLERK  
400 LA CROSSE ST  
LA CROSSE WI 54601-3396  
RETURN SERVICE REQUESTED



DEVON MCDONELL  
1808 31ST ST S  
LA CROSSE, WI 54601

Presort  
First Class Mail  
ComBasPrice



US POSTAGE PAID PERMIT NO. 8  
ZIP 54601 \$000.56<sup>1</sup>  
02 1W  
0001399329SEP 11 2023

78

74 GPO INR 45 01 24 2023  
INT

553 NFE 120002510009/13/23  
RETURN TO SENDER  
MCDONELL DEVON M  
2617 10TH ST  
TWO RIVERS WI 54241-3607  
RETURN TO SENDER  
|||

