



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Meeting Agenda - Final Board of Zoning Appeals

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Monday, May 15, 2023

4:00 PM

Council Chambers  
City Hall, First Floor

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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

### Annual Election of Vice Chair

**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, May 15, 2023:**

[2667](#) An appeal regarding the regulation that the main garage doors of an accessory building may not exceed eight feet in height from the lowest floor elevation at a property known as 2206 15th Pl. S., La Crosse, Wisconsin.

[2668](#) An appeal regarding the requirement to provide a 25 foot setback from the front property line at 2330 Mississippi St., 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 2nd day of May, 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 (vacant),  
Second Alternate (vacant)**



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Text File

File Number: 2667

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**Agenda Date:** 5/15/2023

**Version:** 1

**Status:** Agenda Ready

**In Control:** Board of Zoning Appeals

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

## Board of Zoning Appeals Variance Application

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

City of La Crosse, Wisconsin

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

Filing Fee: \$300.00

Date Filed: 5/1/2023

Date Paid: 5/1/2023

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>Dexter Mani</u>	<u>Dexter Mani</u>
Address	<u>2206 S. 15th Pl.</u>	<u>Same</u>
Phone	<u>(608) 317-5772</u>	<u>Same</u>

Legal Description: M Funks Addition Lot # 2 Block # 2, City of La Crosse, Wis.  
 Tax Parcel Number: R-1 SINGLE FAMILY # 17-50043-140  
 Lot Dimensions and Area: 44' x 122.81 feet. = 5,403.64 sq. ft.  
 Zoning District: R-1 SINGLE FAMILY

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.

*Garage and storage*

(b) Proposed Use.

*Garage and storage*

(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.

None

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

115-390(1)(d) 1

(f) Describe the variance requested.

would like to have 2 9' garage doors (height)

(g) Specify the reason for the request.

I have a 24' trailer (enclosed) that is 8½' high and also the vehical I <sup>plan to</sup> pull it with is over 8'.

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

IF limited to 8' doors I will be forced to park trailer and truck in my yard or on the street.

## 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.

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.

① Trailer I currently own will not fit in to an 8' door. It is 101" High  
② Currently looking at a vehicle to pull trailer with that is 103" High.

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

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

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

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

**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.

*IF variance is not granted I will not be able to park truck and trailer in the garage and will be forced to park on the street or in my yprd.*

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: 2206 S. 15<sup>th</sup> Pl LaCrosse, WI 54601  
(Address where variance is sought)

Date: 4/24/23 Signature of Owner: Dexd Marin

**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- 2<sup>nd</sup> 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) *Dexter Malin*

Date: 4-28-23

Signed: (Owner, if different from applicant) \_\_\_\_\_

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

THE APPLICANT OR AGENT

THE OWNER

By: \_\_\_\_\_

\_\_\_\_\_

STATE OF WISCONSIN )

STATE OF WISCONSIN )

COUNTY OF LA CROSSE )

COUNTY OF LA CROSSE )

Personally came before me this 28 day of April, 2023, the above named *Dexter Malin* to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named \_\_\_\_\_ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

*Angela Berget*  
Notary Public, La Crosse County, WI  
My commission expires: 4/28/24

\_\_\_\_\_  
Notary Public, La Crosse County, WI  
My commission expires: \_\_\_\_\_



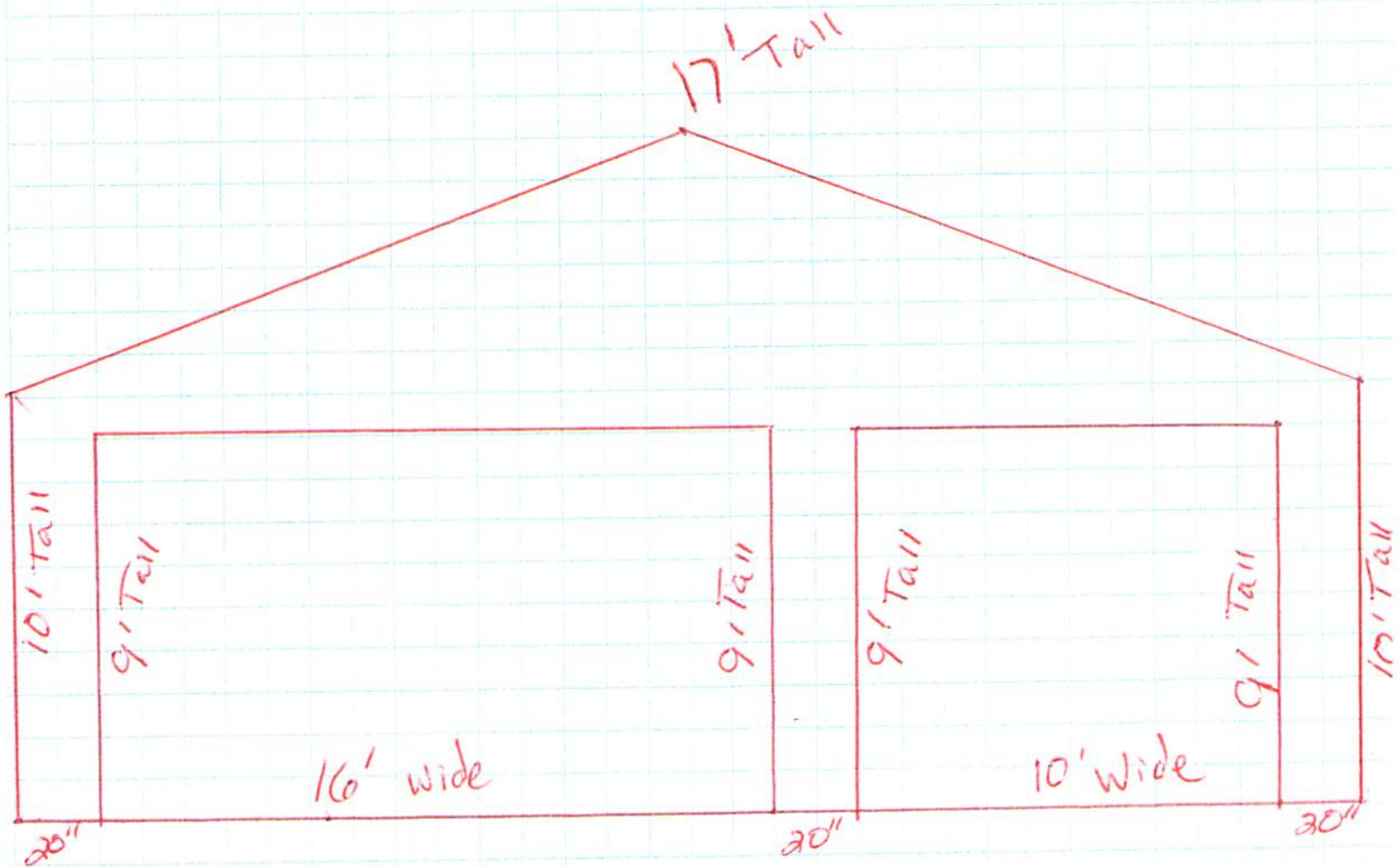
Dear Board of Zoning Appeals,

I, Dexter Malin, at 2206 South 15th Place, am removing my existing one-door garage and building a new two-door garage in its current location. I am requesting a variance to install 9-foot doors instead of the 8-foot code maximum. Having this request permitted will allow me to park my trailer and truck inside my garage instead of in the yard or on the street.

I have received the following signatures from my neighbors in support of this:

Signature	Address	Date
Belinda Stratton	2216 15th <sup>LAX</sup> Pl. S.	April 27, 2023
David Wilson	1908 HORTON	APR 27-23
Betsy Velusta	2202 15th Pl S.	4-29-23
Louise Chin	2210 15th Pl S	4/30/23

Thank you for your consideration,  
Dexter Malin



Alley 2206 15<sup>th</sup> pl. S.  
DEXTER MALIN



36" Door

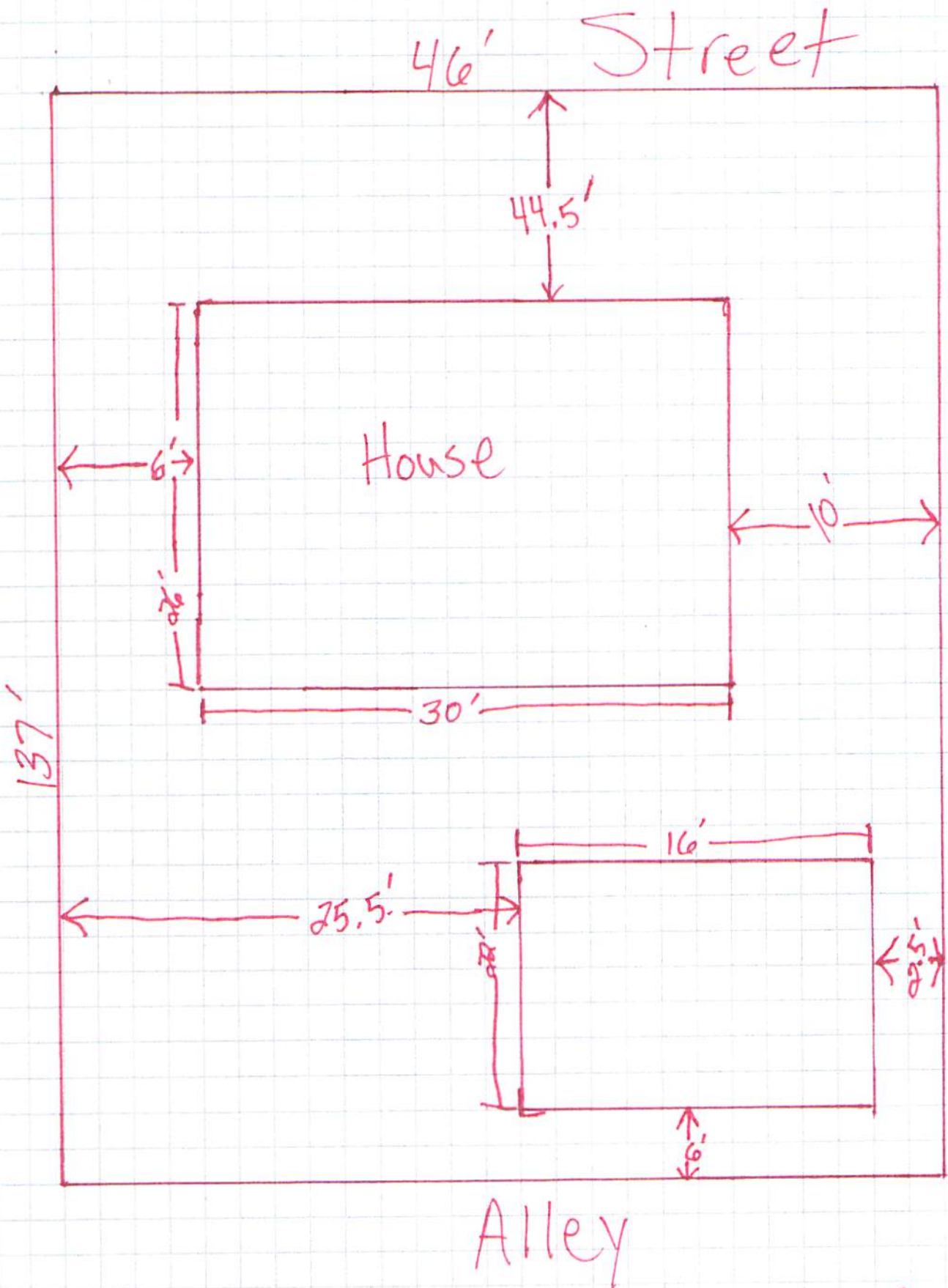
32' x 32'

36" Door

20" | 14' Door | 20" | 10' Door | 20"

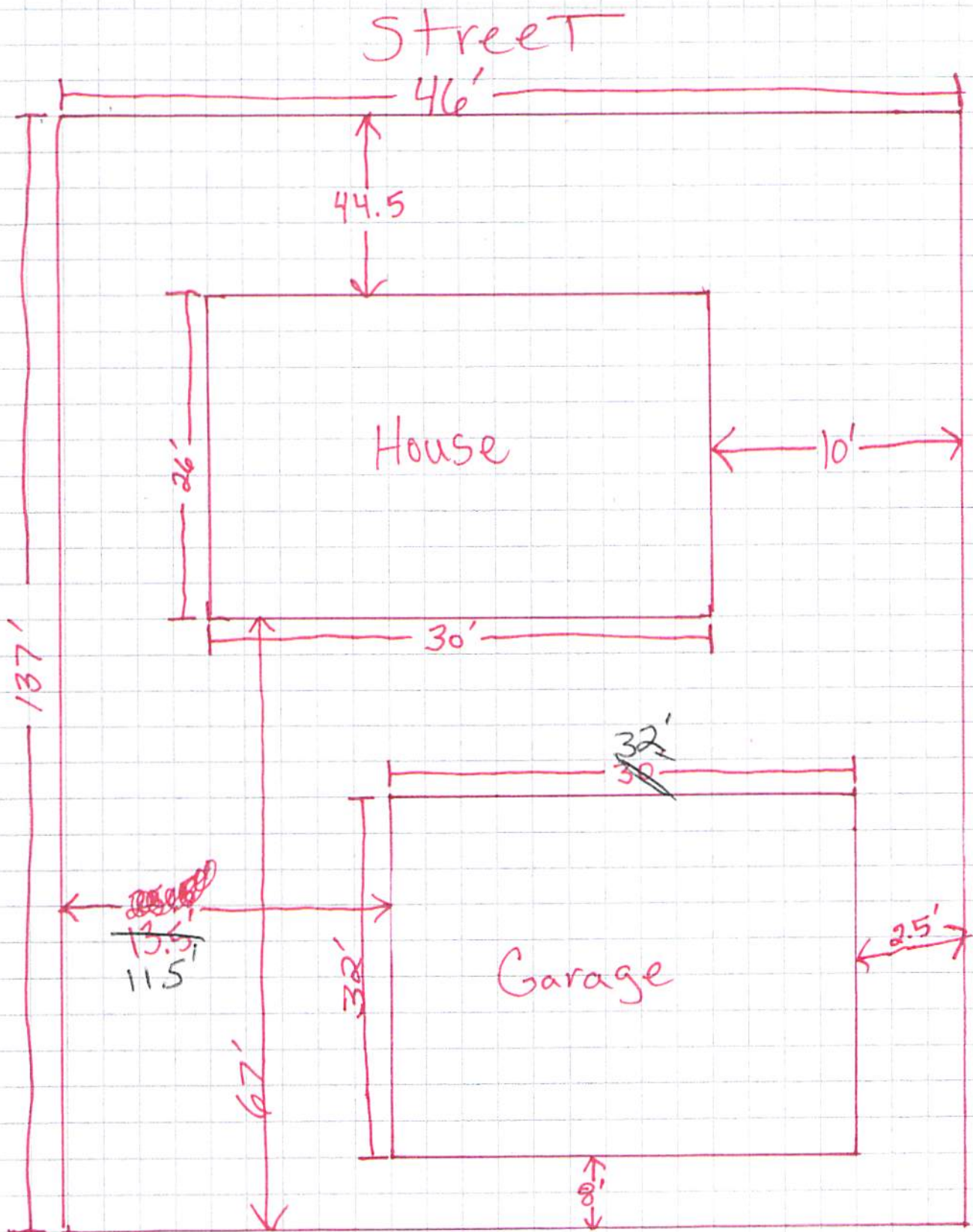
DEXTER MAZIN  
2206 15th Pl. S.

Alley



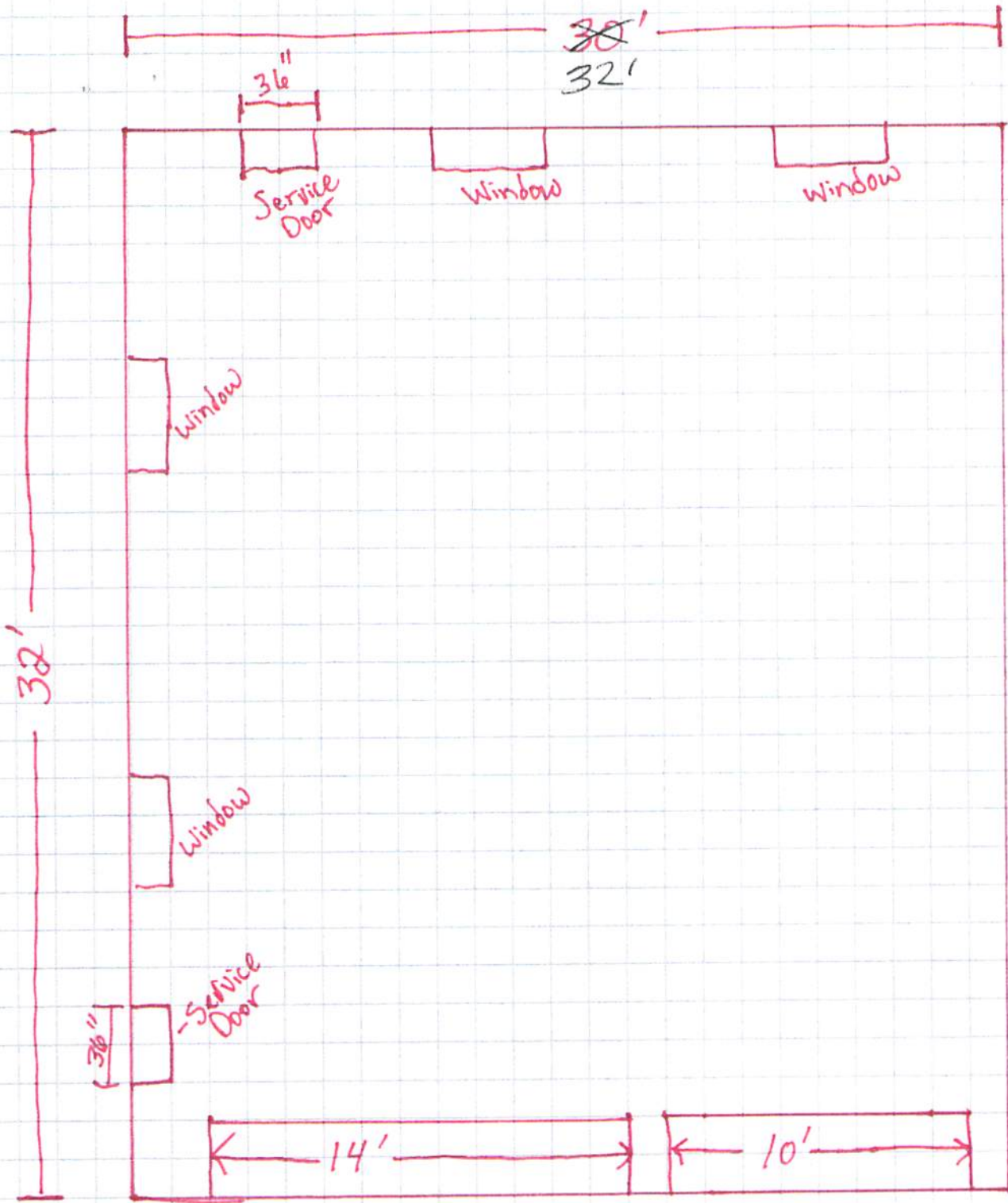
\* Current

\* Not to Scale



\* New Garage

\* Not to Scale



Alley

\* New garage

\* NOT TO SCALE



# 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>



DEXTER MALIN  
2206 15<sup>TH</sup> PL S  
LA CROSSE, WI 54601

04/24/2023

RE: Denial of building permit application for the construction of a new detached garage at 2206 15<sup>th</sup> Pl. S.

Mr. Malin,

Thank you for re-submitting your building permit application for A NEW DETACHED ACCESSORY STRUCTURE at the address of 2206 15TH PL S. After a review of the permit packet you 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. The main garage door height of 9' that is dimensioned on the plans submitted with the permit application exceeds the limit set forth in the City's Municipal Code section listed below.

**Per Municipal Code Section 115-390(1)(d)1**, *The overall maximum vertical distance of detached residential (R1—R6) accessory buildings, excluding carriage house accessory structures, shall not exceed 17 feet from the lowest floor elevation to the highest point of the structure with the overall wall height not to exceed ten feet and the main garage doors not exceeding eight feet in height from the lowest floor elevation. Detached garage roofs shall be framed to a pitch of not less than one-third or four and 12 cut.*

Sincerely,

Mike Suntken  
City of La Crosse Building Inspector

<b>Tax Parcel</b>	<b>OwnerName</b>	<b>Property Address</b>	<b>Mailing Address</b>	<b>MailCityStateZip</b>
17-50013-50	JESSIE L THORNSSEN	2213 15TH PL S	2213 15TH PL S	LA CROSSE WI 54601
17-50013-60	MICHAEL R DAYTON	2211 15TH PL S	2211 15TH PL S	LA CROSSE WI 54601
17-50013-70	AMANDA J BOUDRY	2207 15TH PL S	2207 15TH PL S	LA CROSSE WI 54601
17-50013-80	JEANA M PETERS	1554 & 1556 HORTON ST	433 CENTRAL RD	LA CROSSE WI 54603
17-50043-130	REBECCA J VEENSTRA	2202 15TH PL S	2202 15TH PL S	LA CROSSE WI 54601
17-50044-10	TAMMY GRAF KOLEN	2210 15TH PL S	3615 CEMETERY LN	COON VALLEY WI 54623
17-50044-20	BRENDA L STRATTON	2216 15TH PL S	PO BOX 137	BOYCEVILLE WI 54725-0137
17-50044-30	RICKY SCHECK	2220 15TH PL S	3124 RIDGE HOLLOW DR	PLANO TX 75023
17-50044-30	RHONDA NEFF	2220 15TH PL S	3507 MEADOW LANE PL	LA CROSSE WI 54601
17-50044-40	DAVID S WILSON	1508 HORTON ST	1508 HORTON ST	LA CROSSE WI 54601
17-50044-50	KEITH SUTTON	2203 15TH ST S	2203 15TH ST S	LA CROSSE WI 54601-6480

**Properties within 100 feet of 2206 15TH PL S**

Property Owner	DEXTER R MALIN	2206 15TH PL S	2206 15TH PL S	LA CROSSE WI 54601-6419
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= Subject Parcel, 2206 15<sup>th</sup> Pl S



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Text File

File Number: 2668

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**Agenda Date:** 5/15/2023

**Version:** 1

**Status:** Agenda Ready

**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.: 2668  
Date Filed: 5/1/2023  
Application Complete: Yes P No \_\_\_\_\_

Filing Fee: 300.00  
Date Paid: 5/1/2023  
Reviewed By HT (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	James and Sylvia Trowbridge	Steiger Construction
Address	2330 Mississippi St., La Crosse, WI 54601	2812 28th St. S. La Crosse, WI 54601
Phone	608-769-4932	608-788-4233
Legal Description:	S.W. Anderson Third Addn. w 44ft of N 115ft Lot 1 N 115ft Lot 2 Block 6 Lot size 44 x 115, City of La Crosse, Wis.	
Tax Parcel Number:	017030163040	
Lot Dimensions and Area:	44 x 115 feet = 5060 sq. ft.	
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.

A garage that is currently being used for storage, because it's not big enough to park a car in.

(b) Proposed Use.

Would like the garage enlarged enough to fit a single car in.

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

NONE

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

Location: 2330 Mississippi St;  
LaCrosse, WI 54601

Attached garage that is not usable for a car.

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

115-142(c)(1)

(f) Describe the variance requested.

Extend the length and width of current garage be 6 feet. in length.

(g) Specify the reason for the request.

Current garage is too small to fit a single current sized car in.

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

The garage will not be usable for what it was intended for.

## 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.

We need a permit to lengthen and widen the garage to make it usable for a car. If denied, we still need a permit to widen the garage, but it would then not be usable what it was intended for. We're planning to reside the garage and house, and the garage needs to be replaced because of its current condition.

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

The alternative would be to just widen the garage. The problem with that, is then the garage would still not be usable for a car

### 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.

We are limited by the size of our lot. We have no alley entrance to our lot, unlike most residents on our block. So our garage is useless for the storage of a car.

**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.

None

**(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:

NONE

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

NONE

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

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

Our Property will be enhanced by the addition of the new garage

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

(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:

To our knowledge, there should be no problems. If anything, there should be improvements to the community

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

**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.**

The unnecessary hardship is caused by the size of the garage. It is not large enough to accommodate a car. It has not been used to store a car the 22yrs I've owned the house

**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: 2330 Mississippi St., La Crosse, WI 54601  
(Address where variance is sought)

Date: 5/1/23 Signature of Owner:   
5/1/23 Sylvia Trumbidge

**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) James Trowbridge

Date: 5/1/2023

*Sylvia Trowbridge*

Signed: (Owner, if different from applicant) \_\_\_\_\_

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

THE APPLICANT OR AGENT

THE OWNER

By: \_\_\_\_\_

\_\_\_\_\_

STATE OF WISCONSIN )

STATE OF WISCONSIN )

COUNTY OF LA CROSSE )

COUNTY OF LA CROSSE )

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

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

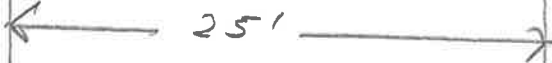
Jenny Smith  
Notary Public, La Crosse County, WI  
My commission expires: 4-26-26

Jenny Smith  
Notary Public, La Crosse County, WI  
My commission expires: 4-26-26

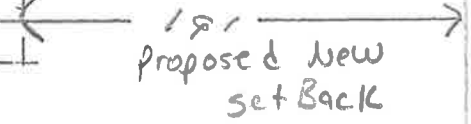


side walk

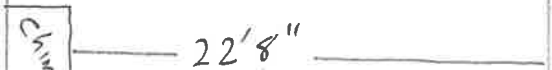
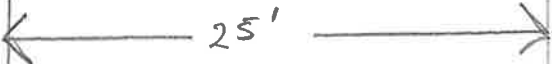
2326



2330



804  
Losey



Chimney

Mississippi St



# 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>



5/1/23

James and Sylvia Trowbridge  
2330 Mississippi St.  
La Crosse, WI 54601

RE: An appeal regarding the requirement to provide a 25' set back from the front property line at 2330 Mississippi St., La Crosse, Wisconsin.

Dear James & Sylvia Trowbridge,

We have received the permit application to construct an attached garage that does not meet the minimum requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code) regarding setbacks from the front property line.

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

Sec. 115-142. - R-1 Single Family Residence District Regulations.

(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. The entire front yard shall be graded and sodded or seeded in a manner which will produce an acceptable lawn excepting such

Therefore, if upon consideration of all of the facts surrounding this appeal in a public hearing, the Board of Zoning Appeals determines that this appeal meets all of the criteria established by the Legislature of the State of Wisconsin, as interpreted by the Supreme Court of the State of Wisconsin for the granting of variances, the Board of Zoning Appeals would have to grant a variance of 6' to the required 25' front yard set for this project to proceed as proposed.

Sincerely,

Eddie Young  
Building Inspector

## 2330 MISSISSIPPI ST LA CROSSE

Parcel:	17-30163-40	Internal ID:	32522
Municipality:	City of La Crosse	Record Status:	Current



### Parcel Information:

Parcel:	17-30163-40
Internal ID:	32522
Municipality:	City of La Crosse
Record Status:	Current
On Current Tax Roll:	Yes
Total Acreage:	0.116
Township:	15
Range:	07
Section:	04

- Parcel
- Taxes
- Outstanding Taxes
- Assessments
- Deeds
- Permits
- History

### Legal Description:

S W ANDERSONS THIRD ADDN W 4FT OF N 115FT LOT 1 & N 115FT LOT 2 BLOCK 6 LOT S2: 44 X 115

### Property Addresses:

<u>Street Address</u>	<u>City/Postal</u>
2330 MISSISSIPPI 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>
JAMES A TROWBRIDGE	Owner	2330 MISSISSIPPI ST	LA CROSSE	WI	54601-5106
SYLVIA TROWBRIDGE	Owner	2330 MISSISSIPPI ST	LA CROSSE	WI	54601-5106

### Districts:

<u>Code</u>	<u>Description</u>	<u>Taxation District</u>
2849	LA CROSSE SCHOOL	Y
3	Book 3	N

### Additional Information

<u>Category</u>	<u>Description</u>
2020+ VOTING SUPERVISOR	2020+ Supervisor District 7
2020+ VOTING WARDS	2020+ Ward 18
Use	1 UNIT

### Lottery Tax Information

## **BOARD OF ZONING APPEALS**

### **STANDARDS FOR 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 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 unnecessarily burdensome, considering the purpose of the ordinance.
  - B. Unnecessary hardship may not be self created. An applicant may not claim hardship because of conditions which are self-imposed. Examples include claiming hardship for a substandard lot after having sold off portions that would have allowed building in compliance and claiming hardship where construction was commenced without required permits in violation of ordinance standards.
  - C. Financial hardship is not a deciding factor. Economic loss or financial hardship does not justify a variance.

<b>Tax Parcel</b>	<b>OwnerName</b>	<b>Property Address</b>	<b>Mailing Address</b>	<b>MailCityStateZip</b>
17-30157-30	BRUCE & NANCY MOUSER	2323 MISSISSIPPI ST	2323 MISSISSIPPI ST	LA CROSSE WI 54601-5128
17-30157-40	JOSEPH E MILLER	2325 MISSISSIPPI ST	2325 MISSISSIPPI ST	LA CROSSE WI 54601
17-30157-50	ELIZABETH J MOEN	2331 MISSISSIPPI ST	2331 MISSISSIPPI ST	LA CROSSE WI 54601-5128
17-30163-20	RYAN M TRACY	804 LOSEY BLVD S	804 LOSEY BLVD S	LA CROSSE WI 54601-5104
17-30163-30	JEFFREY CHAMBERS	814 LOSEY BLVD S	814 LOSEY BLVD S	LA CROSSE WI 54601-5104
17-30163-50	AMANADA POTTS	2326 MISSISSIPPI ST	5448 THUNDER HILL RD	COLUMBIA MD 21045
17-30163-50	BRYON & KRISTA POTTS	2326 MISSISSIPPI ST	2326 MISSISSIPPI ST	LA CROSSE WI 54601
17-30163-60	PAMELA S CULVER	2324 MISSISSIPPI ST	2324 MISSISSIPPI ST	LA CROSSE WI 54601-5106
17-30163-70	DANIEL J ELSEN	2318 MISSISSIPPI ST	2318 MISSISSIPPI ST	LA CROSSE WI 54601-5106
	RONALD Q KROGMAN JOINT TRUST			
17-30164-40	SUSAN P KROGMAN JOINT TRUST	2321 JACKSON ST	2321 JACKSON ST	LA CROSSE WI 54601
17-30164-50	JAMES F KEIL	2327 JACKSON ST	2327 JACKSON ST	LA CROSSE WI 54601-5965
17-30164-60	BIRNA M KRISTINSDOTTIR	822 LOSEY BLVD S	822 LOSEY BLVD S	LA CROSSE WI 54601-5104

**Properties within 100 feet of 2330 MISSISSIPPI ST**

Property Owner	JAMES & SYLVIA TROWBRIDGE	2330 MISSISSIPPI ST	2330 MISSISSIPPI ST	LA CROSSE WI 54601-5106
Contractor	STEIGER CONSTRUCTION		2812 28TH ST S	LA CROSSE WI 54601





★ = Subject Parcel, 2330 Mississippi Street