

City of La Crosse Board of Zoning Appeals Administrative Appeal Application

(To be completed by the applicant)

	Name	Address	Phone #	Email
Applicant	WEST COAST DEVELOPMENT LLC	3152 33 RD ST S LA CROSSE WI	608 317-9292	VANAELESTYN@JOE @GMAIL.COM
Property owner, if different				
Contractor, if applicable				

Property Information:

Tax Parcel Number: 17-10315-629 Address: 3102 CHESTNUT PI
LA CROSSE, WI

Legal Description: LOT 6 CSM Vol 20 Page 87 #1819981 plus VACATED ROAD, City of La Crosse

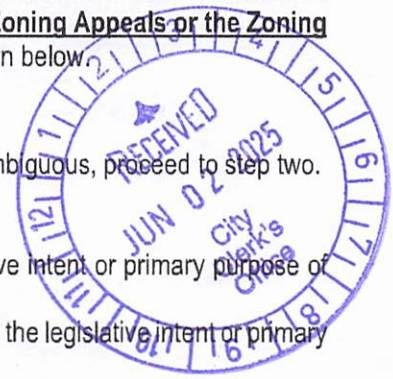
Lot Dimensions and Area: 285' ± x 114' ± feet. = 29,620 sq. ft. Zoning District: COMMERCIAL C-2

The Board of Zoning Appeals reviews and decides cases where there is an alleged error in a zoning decision. And administrative appeal is a legal process provided to resolve disputes regarding decisions made by administrative officials related to zoning. The Board is a quasi-judicial body (meaning it functions like a court) and is not a policy making body and therefore does not have discretionary authority. 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 factual situation.

The Board may reverse an administrative determination if the applicant provides evidence showing that the administrator did not meet all the legal standards for that decision. **The burden of proof falls on the applicant, not the Board of Zoning Appeals or the Zoning Administrator.** The legal standards the Board will use to decide on each administrative appeal are shown below.

REVIEW STANDARDS

1. **Is the Ordinance Ambiguous?:** Is the ordinance clear? If so, then use the clear meaning. If ambiguous, proceed to step two.
2. **Determine Intent:** What is the legislative intent or primary purpose of the ordinance?
3. **Plain Meaning:** What is the plain meaning of the words of the ordinance?
4. **Harmonizing:** Give words the meanings that would harmonize their meaning with the legislative intent or primary purpose of the ordinance. Unreasonable interpretation must be avoided.
5. **Conflicting Provisions:** When two provisions conflict, they should be interpreted to give effect to the legislative intent or primary purpose.
6. **No Surplus Language:** Every word and provision should have a meaning and effect. Meaningless words or provisions should be avoided.



By signing below, I certify that the information I have provided in this application is true and accurate. I understand that if I do not provide sufficient evidence to prove the administrator's decision is incorrect, the Board of Zoning Appeals must uphold the original decision of the administrator.

Signed: (Applicant or Agent): _____ Date: _____

Signed: (Owner, if different from applicant): Joseph Van Daele Member Date: 6-1-2025

(To be completed by City Clerk Staff)

Administrative

Appeal #: 2695 Date Filed: 6/2/2025 Filing Fee: 300.00 Date Paid: 6/2/2025

City of La Crosse Board of Zoning Appeals Administrative Appeal Application

Part A: General Information (use additional pages if necessary)

Please provide the necessary background information needed for the property appeal is sought.

1) Current use and improvements of the property:

VACANT LAND, SEWER, WATER PARTIAL CITY STREET + ACCESS Rd.

2) Proposed use of the property and improvements sought:

C-2

3) Description and date of any prior petition for variance, appeal, or special exception:

NONE

4) Description and location of all nonconforming structures and uses on the property:

NONE

Part B: Reason for the Appeal (use additional pages if necessary)

Check the box for the type of administrative decision appealed.

☒ Zoning district boundary dispute.

Describe location and districts involved:

ADMINISTRATION APPROVED INDUSTRIAL USE FOR PARTY
ADMINISTRATION REFUSED USE AS residential/commercial Rowhouses

Describe petitioner's boundary location criteria:

Physical Boundary is described by CSM

Describe petitioner's boundary determination:

Physical Boundary is determined + STAKED by CSM

☒ Ordinance interpretation.

Municipal Code Section Number(s):

115 - 151

Describe petitioner's interpretation and rationale:

A SUBSTATION OR TBS IS NOT A LISTED PERMITTED USE AND IS
FORBIDDEN. RESIDENCES ABOVE 1ST FLOOR ARE PERMITTED + ARE A RIGHT.

☐ Administrative decision/measurement/order in dispute.

Describe the decision, measurement, or order:

Addendum to City of La Crosse Board of Zoning Administrative Appeal Application by West Coast Development LLC of 3102 Chestnut Pl. Zoned C-2, Commercial

I am a huge fan of our second President, John Adams sage advice that "Government should be of Laws, not men." It appears that personalities are driving zoning decisions, not adherence to the written ordinances.

We dispute two rulings by Zoning Administrators on this parcel. The first is a denial of a use that we believe is permitted and a right. The second is permission granted to an interested party for a use that is forbidden.

We have been working to develop this parcel for nearly 3 years. We have collaborated with the City and were granted \$40,000 by the Flood Plain Relief fund. We also collaborated on reducing the excess width of Chestnut Place from 150 to 80 feet, with 35 feet of depth going to us and each of the adjoining neighbors. This resulted in creating additional space for Kwik Trip allowing them to build a medical clinic on their site. Thanks to the genius and expertise of Matt Gallagher, City Engineer. The leadership of Andrea Trane, and the active support of David Reinhart and Tim Acklin.

We intend to continue to work with them to create street connections to the West and Southwest to not only solve transportation issues but to create tax base, if not at this site, then at several others.

The existing zoning code is, to put it politely, difficult, and the City Planner has engaged two expert firms to correct the mess. Those firms have identified, in a memo, (attached) The condition of C-1, C-2, and C-3. C-1 identifies only forbidden uses, (as such it does not allow or permit any use of property so zoned and may be unconstitutional)

The first allowed use in C-2 is " (a) (1) Any use permitted in the Local Business District" C-1. If it said Community Business District C-3 it would make sense but there are no permitted uses in C-1.

C-2 The Commercial District, does allow "(a) (9) mixed use commercial / office uses" and (a) (6) "Dwellings occupied by an owner, operator or manager of a business which are used or intended to be used for living, sleeping, cooking, and eating, providing the dwelling occupies no more than 25 percent of the first floor and the remaining 75 percent or more of such first floor is a commercial use." Tim Acklin said he would not allow said use. We believe it is a right.

While we would prefer to wait until the road is completed to the West for development of a single building on Lot 6 with commercial and interior parking on the first floor and residences above. We could develop the commercial area as additional row houses with front loading garages and offices on the first floor. Either appears to work within

the code. Additional parking for either option would be under the Electrical easement. We request a finding that said use is in fact permitted.

We were approached by Northern Natural Gas (NNG) regarding relocation of their existing 30 foot by 30 foot, Town Border Station (TBS) which is about 220 West of our property. Supposedly they want to relocate it because it is in the Floodway and is inaccessible during high water. The existing site is owned by them, as it contains an enclosed building. Both the City and County require ownership for a building construction. Can't build on an easement. Alternative sites to the West are about the same distance, and are properly zoned Heavy Industrial.

We have a 40 foot parcel that I thought might work. We met with a representative from NNG who immediately started threatening Eminent Domain and Condemnation. We visited the 6 NNG sites identified by the County GIS. All were uniformly ugly and loud and intermittently smelled of gas. The worst was a 14,000 square foot site at 134 Buchner St. It has the fencing and ambiance of a federal high security prison. The representative told us they wanted all 29,000 square feet of lot 6. I didn't want to have anything to do with them and their contractor told me they had another site off Cunningham St.

I hoped we were done with NNG, and decided to check with Tim Acklin on Zoning requirement of Heavy Industrial for NNG and was informed that they had a private, unannounced meeting with NNG and had approved NNG's use on our land. Tim has refused to give us the date or particulars of the meeting. He claims to have seen the plans but did not bother to retain a copy.

There is no doubt in our minds that construction of a NNG facility will destroy the character of the neighborhood and would be a complete taking of our property due to severance damages. No way residential can exist, survive or prosper next to that type facility.

Confusion exists in part to the clause in Section 8-116 (8) & (3) attached, The State Statutes give a lot of control and flexibility to the municipalities. Case Law is very specific.

"A permit issued for a use not explicitly set forth in the zoning ordinances as either a permitted or conditional use is illegal per se and void." 5/30/97 Skelly Oil Co v. Common Council 58 Wis. 2nd 696, 700-01

"The general rule with respect to zoning ordinances is that because the ordinance explicitly enumerated uses permitted within each district, all other uses are necessarily prohibited." Foresight, Inc. v Babl, No. 96-1964 Wis. Ct App. May 6, 1997

The traditional purpose of a zoning ordinance is the separation of incompatible land uses. Zwiefelhofer v. Town of Cooks Valley, 2012 WI 7. I can think of no use more incompatible than this. It is difficult to find a use that is nearly off the charts in regards to

ugly, smelly, loud, and causes ground vibrations, all in one use. This is not a close call. Gas substations are exempt from noise issues. The existing facility makes the interesting sound of two huge pieces of Sheet metal beating against each other in the wind , on a calm day.

A substation is forbidden under C-1 and it certainly does not fit any criteria in C-2. Mr. Reinhart is quoting a non-existent clause as justification, and Tim Acklin professes that if it is not forbidden it is permitted by default. I believe both these interpretations are in error and without basis, and a strict interpretation is warranted in order to meet the stated goals of 1) Public Health, Safety and Welfare, 2) Protection of Investments, 3) Aesthetics.

The NNG representative may have made it sound like they were building a picturesque chapel in the woods, but a drive-by of any of their 6 listed sites would have terminated that rosey picture. The appearance, function are Industrial, Heavy Industrial.

The character of the area will be irreparably damaged while the selection of a site and the necessity has not included contact with the neighbors to the West

The determination by the administrators does not comply with the Comprehensive Plan, page 63, Valley View Mall District (D-12) . Industrial is Unacceptable.

The signage on the facilities indicates that they are hazardous. When a site advertises that it can injure your hearing as well as blow you to bits, you should believe them, and not locate them next to a Daycare Center.

The correspondence with Mr. Acklin has disclosed a concerning issue. He alludes that he did not know if I wanted no part of NNG, or if I wanted to sell to NNG, or if our financial plan was totally reliant on a sale to NNG. Several local developers have told me that by sending prospective buyers to the City or County for a use determination that the buyer was directed to a parcel owned by the City or County. Mr. Acklin disclosed that they proposed several alternative properties to NNG. I take it as another urban legend.

We did put a restrictive covenant on our land following the vacation of part of the street. It prevents a sale to any party that does not pay real estate taxes. This information could have changed the advice by the administrators, but Mr. Acklin refuses to divulge that information as to the date, and he did not contact or ask us.

Our questions of can we rely on what is permitted in the Code and can we rely on what is not permitted in the Code are submitted to your Board for resolution. As Ben Franklin said, " the first duty of citizenship is to question authority." I will add to that *inform authority*. We have put together some advice on how to read zoning codes.



Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

3102 Chestnut

15 messages

Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

Thu, Apr 3, 2025 at 10:09 AM

To: "Acklin, Tim" <acklint@cityoflacrosse.org>

We have agreed to use Makepeace on the Plat and H&H and probably the architecture. Thank you for the recommendation, I did not use your name, but referred to "various sources"

Northern Natural Gas is sending an appraiser to look at the property, I presume as part of an Eminent Domain Condemnation. They have not yet told me nor have they given us the required pamphlets, of their intentions. But they are big and don't have to.

Inspection is clear that they can't build on an easement, all of their similar facilities in the City and County are on owned parcels. They are insinuating that they want all of Lot 6 as an easement, that is all of our Commercial land.

They won't release their plans, based upon the area they want, the size and scope are Industrial in nature, and extremely harmful to our project, which pays taxes, theirs doesn't

I believe they require Industrial Zoning and I need to confirm that with you.

I'd love to see Chestnut extended to Hauser and or River Valley Drive. My preference for our Commercial is mixed use. Businesses, Studios, small local Restaurants on the first Floor and Apartments above. Parking under the Xcel easement. I can't provide the specifics required by PDD. The existing zoning provides us with the flexibility that we must have in this volatile atmosphere.

Appreciate your assistance.

Joe Van Aelstyn,
Broker, General Appraiser
608-317-9292
vanaelstyn.joe@gmail.com

Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

Thu, Apr 3, 2025 at 11:06 AM

To: Stephen Trussoni <trussonisteph@gmail.com>, Cornelia Van Aelstyn <corry.nextgen@gmail.com>

Joe Van Aelstyn,
Broker, General Appraiser
608-317-9292
vanaelstyn.joe@gmail.com

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Acklin, Tim <acklint@cityoflacrosse.org>

Thu, Apr 3, 2025 at 2:26 PM

To: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

Cc: "Trane, Andrea" <tranea@cityoflacrosse.org>

Hello Joe,

After our conversation with them, and based on the scope and use they stated to us, they could build in commercial zoning. They just can't cross parcel lines.

Tim Acklin, AICP

Deputy Director

Planning & Development

City of La Crosse

400 La Crosse Street



Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

Northern Natural Gas / Zoning

1 message

Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

Wed, Apr 9, 2025 at 8:48 AM

To: "Acklin, Tim" <acklint@cityoflacrosse.org>, "Trane, Andrea" <tranea@cityoflacrosse.org>, "Gallager, Matthew"

<gallagerm@cityoflacrosse.org>, "Reinhart, David" <reinhartd@cityoflacrosse.org>

Bcc: Steve Scheuch <stevescheuch@gmail.com>, Stephen Trussoni <trussonistephen@gmail.com>, Cornelia Van Aelstyn <corry.nextgen@gmail.com>

Thanks for taking my call last week and stating that all four of you believed the zoning on Lot 6, Commercial, C-2, allowed a TBS. If I wanted to sell to them, I would be appreciative, and I suspect they probably alluded to that as well, but I assure you I don't want them anywhere near us or our neighbors.

NNG currently has a facility about 200 feet west of us, that I believe was zoned Heavy Industrial when they purchased it, the lot is 30 x 30. They represented that they wanted to move because the site is subject to flooding and not always accessible. We have a small site west of the City's 30 ft. utility easement that could have been a replacement.

When I realized they would not be improving the noise, I lost interest in serving them. They came back wanting not a thousand square feet but all of lot 6 which they figured at 25,000 square feet. We visited their facility at 134 Buchner, zoned Heavy Industrial.

That site is about 14,374 square feet, roughly half the size of their proposed facility. I don't know what they propose, because we haven't seen their plans. They don't want to show them to me, and you didn't get a set. So I don't know what you approved.

My guess is that you didn't walk around their Buchner site because if you had, there is no way the sounds emitted and the smell, and the visual insult would have screamed "Heavy Industrial" But only if we have to have it somewhere. It is just a half step below the Brewery....odor wise.

A big part of the City's job is to retain employers. I never mentioned to Kwik Trip that the City was considering using the DOT land next to us and behind their Daycare center as a campground for the homeless. I found out from the DOT. I don't think the parents who use that facility are going to look kindly on their babies being exposed to noxious fumes, from NNG, an outfit, who doesn't give a damn.

When I thought I was done with NNG, I spoke to someone from there and was informed they had another site on Cunningham. I believe it is at the end of the street on the north side, far enough away from even other Industrial neighbors, but maybe not. It probably is more expensive for NNG.

I listened to the March 31 video and downloaded the memo from MSA / Lamb. (attached) It is wonderful to have the paid experts finally clarify the C-1, C-2, and C-3 zoning. I believe it substantiates our position.

Every Listing, every sale, every appraisal, in every jurisdiction in our market area requires me to investigate the zoning and the subject's compliance with the allowed use. It is basic to valuation, and so far no lawsuits.

When I was on the City's Zoning and Housing Study Group, we had Pat Houlihan, City Attorney, readily available to answer questions, and Judge Montiban. Required resources.

It has taken me a long time to Trust, but the collaboration is proof positive that you have earned my trust. And I have Emotional Intelligent geniuses to reinforce that fact. This is just a bump.

We don't have the inclination to fight City Hall, and our pockets aren't deep enough to fight NNG and their owner, Warren Buffit. If you guys really want NNG in that location, and they are willing to pay what it's worth, I'll do it. But I want some other land to build workforce housing.

Joe Van Aelstyn,
Broker, General Appraiser
608-317-9292
vanaelstyn.joe@gmail.com

La Crosse, WI 54601

acklint@cityoflacrosse.org

Office: 608.789.7391

From: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>
Sent: Thursday, April 3, 2025 10:09 AM
To: Acklin, Tim <acklint@cityoflacrosse.org>
Subject: 3102 Chestnut

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Joe Van Aelstyn <vanaelstyn.joe@gmail.com> Wed, Apr 16, 2025 at 9:16 AM
To: "Acklin, Tim" <acklint@cityoflacrosse.org>, "Trane, Andrea" <tranea@cityoflacrosse.org>, "Gallager, Matthew" <gallagerm@cityoflacrosse.org>

Tim, I need you to elaborate completely on that issue. What I know about zoning indicates that they can only build in Heavy Industrial. The Code is crystal clear on that issue. We have visited similar facilities located in Heavy Industrial area, and that truly is indicated as the appropriate zone. There is no way residential can exist near that facility.

Joe Van Aelstyn,
Broker, General Appraiser
608-317-9292
vanaelstyn.joe@gmail.com

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Acklin, Tim <acklint@cityoflacrosse.org> Wed, Apr 16, 2025 at 11:16 AM
To: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>
Cc: "Trane, Andrea" <tranea@cityoflacrosse.org>, "Gallager, Matthew" <gallagerm@cityoflacrosse.org>, "Reinhart, David" <Reinhartd@cityoflacrosse.org>

Hello Joe,

I am not sure what more to add.

Based on what Natural Gas stated was the use and what would be there, it was our interpretation, it would be permitted in OUR C2-Commerical zoning district.

Other communities may not permit that in Commercial zoning and restrict it only to Industrial zoning.

The facilities you visited may be different in some way, but if that are the same they would be permitted her in C2-Commerical.

[Quoted text hidden]

Joe Van Aelstyn <vanaelstyn.joe@gmail.com> Wed, Apr 16, 2025 at 12:54 PM
To: "Acklin, Tim" <acklint@cityoflacrosse.org>
Cc: "Trane, Andrea" <tranea@cityoflacrosse.org>, "Gallager, Matthew" <gallagerm@cityoflacrosse.org>, "Reinhart, David" <Reinhartd@cityoflacrosse.org>
Bcc: Cornelia Van Aelstyn <corry.nextgen@gmail.com>, Stephen Trussoni <trussonistephen@gmail.com>

Tim, Thanks for the response. It doesn't explain or clarify, but it was reasonably prompt.
I know you've had difficulty with the Code, but C-2 as written, does not require interpretation. It states clearly and succinctly , " No building shall be hereafter erected.....except for the following uses: " It continues to list 14 uses, none of which include Natural Gas substations or TBS use. If it ain't on the list, it is excluded from the party, can't get in, don't belong. It has to go to a different party, like one hosted by Heavy Industrial, or Public Utility. The Code appears to be ministerial not discretionary.

Please show me where and how you made the determination of " it would be permitted in **OUR** C2-Commerical zoning district." , I can't find it, maybe I just missed it. The Zoning code is not just your enforcement tool, it is also the protection of us land owners and our neighbors, as well as the City. Please show me!!

I took Corry and Steve Trussoni to 134 Buchner for a tour of NNG facility yesterday, 4/15. Corry walked the perimeter capturing the sights and sounds with her Iphone. Her reaction was "NO WAY in hell are we building anything near this" It is loud, but this time the odor was minimal. We spent almost 3 years on this project, and it is being destroyed by your unexplained and unjustified judgement, letting them in where they don't belong.

I really don't want a hassle Tim. But I think we deserve a detailed explanation. President John Adams said "Government should be of laws, not men" You have given us one man's opinion, yours. I need you to back it up with the pertinent law. If it is not there then I expect you to retract your permission to NNG.

If you insist on their placement on our Lot 6, Trade us out. You deal with the neighbors.

Joe Van Aelstyn,
Broker, General Appraiser
608-317-9292
vanaelstyn.joe@gmail.com

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Tim.pdf
6200K

Reinhart, David <Reinhartd@cityoflacrosse.org>

Wed, Apr 16, 2025 at 1:47 PM

To: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

Cc: "Trane, Andrea" <tranea@cityoflacrosse.org>, "Gallager, Matthew" <gallagerm@cityoflacrosse.org>, "Acklin, Tim" <Acklint@cityoflacrosse.org>

Mr. Van Aelstyn,

In the Commercial District, the code does state that the 14 items are permitted.

115-151. (a) (1) Any use permitted in the Local Business District.

In the Local Business District, it states that any use is permitted, except for what is listed. The use explained by Natural Gas would not be prohibited under 115-149.

Sec. 115-149. - Local Business District. | Code of Ordinances | La Crosse, WI | Municode Library

This should clarify the City's interpretation of this issue.

If you have any questions, feel free to contact me.

Thanks,

David Reinhart

Chief Building Inspector

Building & Inspections

400 La Crosse St., La Crosse, WI 54601

Office: 608-789-7564

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Acklin, Tim <Acklint@cityoflacrosse.org>

Wed, Apr 16, 2025 at 2:09 PM

To: "Reinhart, David" <Reinhartd@cityoflacrosse.org>, Joe Van Aelstyn <vanaelstyn.joe@gmail.com>
Cc: "Trane, Andrea" <tranea@cityoflacrosse.org>, "Gallager, Matthew" <gallagerm@cityoflacrosse.org>

Joe,

I would also like to respond to your last line of your email:

"If you insist on their placement on our Lot 6, Trade us out. You deal with the neighbors."

1. Not once have we ever insisted on this use at this location.
2. Our preferred use is tax base, which you were proposing.
3. This was conveyed to Natural Gas when we (myself, Matt Gallager, David Reinhart) met with them about their desire to relocate and expand their existing facility.
4. In fact, we spent a good deal of the meeting trying to identify other sites for them that were not your properties.
5. They were the ones stating that your property was the best location for them.
6. Our first response to them after that statement was that they needed to work with you, as the landowner, on that option.
7. The impression I had gotten from them was that had already began communicating with you and would continue to do so.
8. The meeting ended with us informing them , should they reach an agreement with the landowner, about processes/existing conditions associated with their project. (zoning, design review, csm, etc)

OUR PREFERRED USE OF THE SITE IS TAX BASE WHICH WE STATED TO THEM, NOT WHAT THEY ARE PROPOSING.
I WOULD APPRECIATE IT IF YOU WOULD STOP INSINUATING THAT WE ARE SUPPORTING THEIR PROJECT AND ANY EFFORTS TO ACQUIRE YOUR PROPERTY.

-
Thank you.

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Joe Van Aelstyn <vanaelstyn.joe@gmail.com> Wed, Apr 16, 2025 at 6:02 PM
To: "Reinhart, David" <Reinhartd@cityoflacrosse.org>
Cc: "Trane, Andrea" <tranea@cityoflacrosse.org>, "Gallager, Matthew" <gallagerm@cityoflacrosse.org>, "Acklin, Tim" <Acklint@cityoflacrosse.org>
Bcc: Cornelia Van Aelstyn <corry.nextgen@gmail.com>, Stephen Trussoni <trussonistephen@gmail.com>

David, thank you for your response but I cannot find any permitted uses in the Local Business District. There are 28 uses that are prohibited, or as stated in the 115-149 "no building or land shall be used.....for any of the following uses:"

Where does it state in the code as you stated "In the Local Business District, it states that any use is permitted, except for what is listed. The use explained by Natural Gas would not be prohibited under 115-149. " I cannot find that section that allows any use except for what is listed, please copy and paste if it exists. I can't find it.

The Compliance section clarifies the issue of permitted.

Sec. 115-4. - Compliance.

SHAFFRIN'DOWEMAICOMI
LINK SECT(DOCSECTVERS
TO OF
SECTION SECTIONS

Except as hereinafter provided, the following provisions shall apply to this chapter:

- (1) *Use.* No building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located without full compliance with the terms of this chapter.

I don't see any permitted uses in 115-149. I do appreciate your attention to the issue, but I can't find the portion you referenced.

Thanks

Joe Van Aelstyn,

Broker, General Appraiser
608-317-9292
vanaelstyn.joe@gmail.com

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Reinhart, David <Reinhartd@cityoflacrosse.org> Thu, Apr 17, 2025 at 6:51 AM
To: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>
Cc: "Trane, Andrea" <tranea@cityoflacrosse.org>, "Gallager, Matthew" <gallagerm@cityoflacrosse.org>, "Acklin, Tim" <Acklint@cityoflacrosse.org>

a. *Scope and use regulations.* This section applies to the Local Business District. In the Local Business District, no building or land shall be used and no building shall be hereafter erected or structurally altered, except as otherwise provided in this chapter, for any of the following uses:

Thanks,

David Reinhart

Chief Building Inspector

Building & Inspections

400 La Crosse St., La Crosse, WI 54601

Office: 608-789-7564

From: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>
Sent: Wednesday, April 16, 2025 6:02 PM
To: Reinhart, David <Reinhartd@cityoflacrosse.org>
Cc: Trane, Andrea <tranea@cityoflacrosse.org>; Gallager, Matthew <gallagerm@cityoflacrosse.org>; Acklin, Tim <Acklint@cityoflacrosse.org>
Subject: Re: 3102 Chestnut

*** **CAUTION:** This email originated from an external sender. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe. ***

David, thank you for your response but I cannot find any permitted uses in the Local Business District. There are 28 uses that are prohibited, or as stated in the 115-149 "no building or land shall be used.....for any of the following uses:"

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The Compliance section clarifies the issue of permitted.

Sec. 115-4. - Compliance.

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[Quoted text hidden]

Joe Van Aelstyn <vanaelstyn.joe@gmail.com>
To: "Reinhart, David" <Reinhartd@cityoflacrosse.org>

Thu, Apr 17, 2025 at 9:21 AM

OK, Where is it otherwise provided? Copy and Paste, please. There are NO PERMITTED uses in 115-149.

Joe Van Aelstyn,
Broker, General Appraiser
608-317-9292
vanaelstyn.joe@gmail.com

[Quoted text hidden]

Acklin, Tim <Acklint@cityoflacrosse.org>
To: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>
Cc: "Reinhart, David" <Reinhartd@cityoflacrosse.org>, "Trane, Andrea" <tranea@cityoflacrosse.org>

Thu, Apr 17, 2025 at 9:46 AM

Joe,

Dave has already explained this and pasted what it states.

C1-Local Business states what you can't do, by default that means if it is not listed it is permitted.

We will not be continuing any further email debate.

Thank you.

[Quoted text hidden]

Joe Van Aelstyn <vanaelstyn.joe@gmail.com>
To: Steve Scheuch <stevescheuch@gmail.com>, Comelia Van Aelstyn <corry.nextgen@gmail.com>

Fri, Apr 18, 2025 at 7:55 AM

Joe Van Aelstyn,
Broker, General Appraiser
608-317-9292
vanaelstyn.joe@gmail.com

----- Forwarded message -----
From: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>
Date: Thu, Apr 3, 2025 at 10:09 AM
Subject: 3102 Chestnut
To: Acklin, Tim <acklint@cityoflacrosse.org>

[Quoted text hidden]

Joe Van Aelstyn <vanaelstyn.joe@gmail.com>
To: Steve Scheuch <stevescheuch@gmail.com>

Fri, Apr 18, 2025 at 7:56 AM

Joe Van Aelstyn,
Broker, General Appraiser
608-317-9292
vanaelstyn.joe@gmail.com

----- Forwarded message -----
From: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>
Date: Thu, Apr 3, 2025 at 10:09 AM
Subject: 3102 Chestnut
To: Acklin, Tim <acklint@cityoflacrosse.org>

[Quoted text hidden]

Joe Van Aelstyn <vanaelstyn.joe@gmail.com>
Draft To: "Acklin, Tim" <Acklint@cityoflacrosse.org>

Mon, Apr 21, 2025 at 11:15 AM

It's not productive to argue over one of the worst zoning codes in the City. You can't or won't show me where and how you based the approval of the proposed use by NNG, except to claim, now, it's by default. That bucket don't hold water.
It's impossible for me to address the issue accurately. Not because of the Code, that part is clear.
I don't know what use NNG proposed to you, and you haven't told me. I don't know what the physical plant will look like because they will not show me and you didn't bother to retain a copy and can't show me.

Joe Van Aelstyn,
Broker, General Appraiser
608-317-9292
vanaelstyn.joe@gmail.com

[Quoted text hidden]



Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

(no subject)

4 messages

Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

Mon, Apr 21, 2025 at 1:41 PM

To: "Acklin, Tim" <acklint@cityoflacrosse.org>, "Reinhart, David" <reinhardt@cityoflacrosse.org>

Cc: "Gallager, Matthew" <gallagerm@cityoflacrosse.org>, "Trane, Andrea" <tranea@cityoflacrosse.org>, Cornelia Van Aelstyn <corry.nextgen@gmail.com>

Bcc: Steve Scheuch <stevescheuch@gmail.com>, Stephen Trussoni <trussonistephen@gmail.com>

Tim, I'm not trying to have a debate, I'm just a really very Curious guy looking for some Honesty and Clarity in the Zoning Code. Honesty in the Code means sincerity in the words, free from deception and falsehood. It means adhering to the facts, straightforward, ethical, genuine, reliable. To me clarity is a simple interpretation of what the words mean to a reasonably knowledgeable individual. Some refer to this as a strict interpretation as one would experience in court. The words mean what they say. Nothing more, nothing less.

David stated in his email of April 16, 2025 1:47 PM "in the Local Business District, it states that any use is permitted, except for what is listed". Try as I may, I cannot locate that clause, that wording in that section of the Code. If it is in there, that would allow for a nuclear waste dump. Maybe I just can't read the Code, and that is why I asked for David to copy & paste it. If it is in there I will stand corrected, But You can't enforce the Code on what you wish was in there. Please show me. If it doesn't exist, you need to change your determination.

115-149 under what is forbidden : " Item (16) Electric power plants and substations". Xcel / NSP has part of the existing facility that it operates as a substation and transfer station. Code doesn't say "Electric substation" just "substation" Their name for the Facility is TBS Town Border Station, If it is not a primary station it is sub....

Have any of you guys gone out to the site this spring or this year?

I'm trying desperately to avoid a fight. This inaccurate zoning determination, in my opinion, could cost us 3 years of work and hundreds of thousands of dollars. You have made an official determination, without my consent or even notice of a use for which you have a verbal description, and did not retain the physical plan. I believe the next legislative step would be to Zoning Appeals. please schedule ASAP.

I received an email from NNG that I will forward.

Thank you

Joe Van Aelstyn,

Broker, General Appraiser

608-317-9292

vanaelstyn.joe@gmail.com

Acklin, Tim <acklint@cityoflacrosse.org>

Mon, Apr 21, 2025 at 1:52 PM

To: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>, "Reinhart, David" <reinhardt@cityoflacrosse.org>

Cc: "Gallager, Matthew" <gallagerm@cityoflacrosse.org>, "Trane, Andrea" <tranea@cityoflacrosse.org>, Cornelia Van Aelstyn <corry.nextgen@gmail.com>

Joe,

David had pasted it for you already in previous emails However,

Sec. 115-149. - Local Business District.

- a. *Scope and use regulations.* This section applies to the Local Business District. In the Local Business District, no building or land shall be used and no building shall be hereafter erected or structurally altered, except as otherwise provided in this chapter, for any of the following uses:

It then lists 28 uses.

Tim Acklin, AICP

Deputy Director

Planning & Development

City of La Crosse

400 La Crosse Street

La Crosse, WI 54601

acklint@cityoflacrosse.org

Office: 608.789.7391

From: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

Sent: Monday, April 21, 2025 1:41 PM

To: Acklin, Tim <acklint@cityoflacrosse.org>; Reinhart, David <reinhardt@cityoflacrosse.org>

Cc: Gallager, Matthew <gallagerm@cityoflacrosse.org>; Trane, Andrea <tranea@cityoflacrosse.org>; Cornelia Van Aelstyn <corry.nextgen@gmail.com>

Subject:

*** **CAUTION:** This email originated from an external sender. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe. ***

[Quoted text hidden]

Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

Mon, Apr 21, 2025 at 3:04 PM

To: "Acklin, Tim" <acklint@cityoflacrosse.org>

Cc: "Reinhart, David" <Reinhardt@cityoflacrosse.org>, "Gallager, Matthew" <gallagerm@cityoflacrosse.org>, "Trane, Andrea" <tranea@cityoflacrosse.org>, Cornelia Van Aelstyn <corry.nextgen@gmail.com>

Bcc: Steve Scheuch <stevescheuch@gmail.com>, Stephen Trussoni <trussonistephen@gmail.com>

David stated in his email of April 16, 2025 1:47 PM "in the Local Business District, it states that any use is permitted, except for what is listed"

You just wrote "t, no building or land shall be used and no building shall be hereafter erected or structurally altered, except as otherwise provided in this chapter, for any of the following uses:

Tim, the two are different, the yellow highlighted clause does not contain the phrase "that any use is permitted, except for what is listed" as David claimed. It is not in your highlighted quote as you claim.

There is no "Default clause" that allows every other use. That concept is extremely unique. And it is not contained within the Code. If I missed it please Copy and Paste.

Your Official Determination of allowable uses has enabled NNG to proceed.

What other sites did you present to them?

I don't want to debate this issue, I'm simply asking you to quote, and / or present that part of the Code that you relied on in your official determination. And you have not done that.

I believe, and you have not shown me otherwise, that you are interpreting the Code as you think it to be, not as it actually exists.

Tim, your highlighted quote, does not explain David's quote. I'm sorry if you think it does, but it doesn't. Ask around.

We need to get this resolved, quickly.

Joe Van Aelstyn,
Broker, General Appraiser
608-317-9292
vanaelstyn.joe@gmail.com

[Quoted text hidden]

Acklin, Tim <acklint@cityoflacrosse.org>

Mon, Apr 21, 2025 at 3:09 PM

To: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

Cc: "Reinhart, David" <Reinhartd@cityoflacrosse.org>, "Gallager, Matthew" <gallagerm@cityoflacrosse.org>, "Trane, Andrea" <tranea@cityoflacrosse.org>, Cornelia Van Aelstyn <corry.nextgen@gmail.com>

Joe,

I have nothing left to add to this conversation. You know where we stand.

You are welcome to have a different opinion of our determination, but any subsequent conversations will have to occur with a higher power here at City Hall.

Sincerely,

[Quoted text hidden]

We need to get this resolved, quickly.
Joe Van Aelstyn,
Broker, General Appraiser
608-317-9292
vanaelstyn.joe@gmail.com

[Quoted text hidden]

Acklin, Tim <acklint@cityoflacrosse.org>

Mon, Apr 21, 2025 at 3:09 PM

To: Joe Van Aelstyn <vanaelstyn.joe@gmail.com>

Cc: "Reinhart, David" <Reinhartd@cityoflacrosse.org>, "Gallager, Matthew" <gallagerm@cityoflacrosse.org>, "Trane, Andrea" <tranea@cityoflacrosse.org>, Cornelia Van Aelstyn <corry.nextgen@gmail.com>

Joe,

I have nothing left to add to this conversation. You know where we stand.

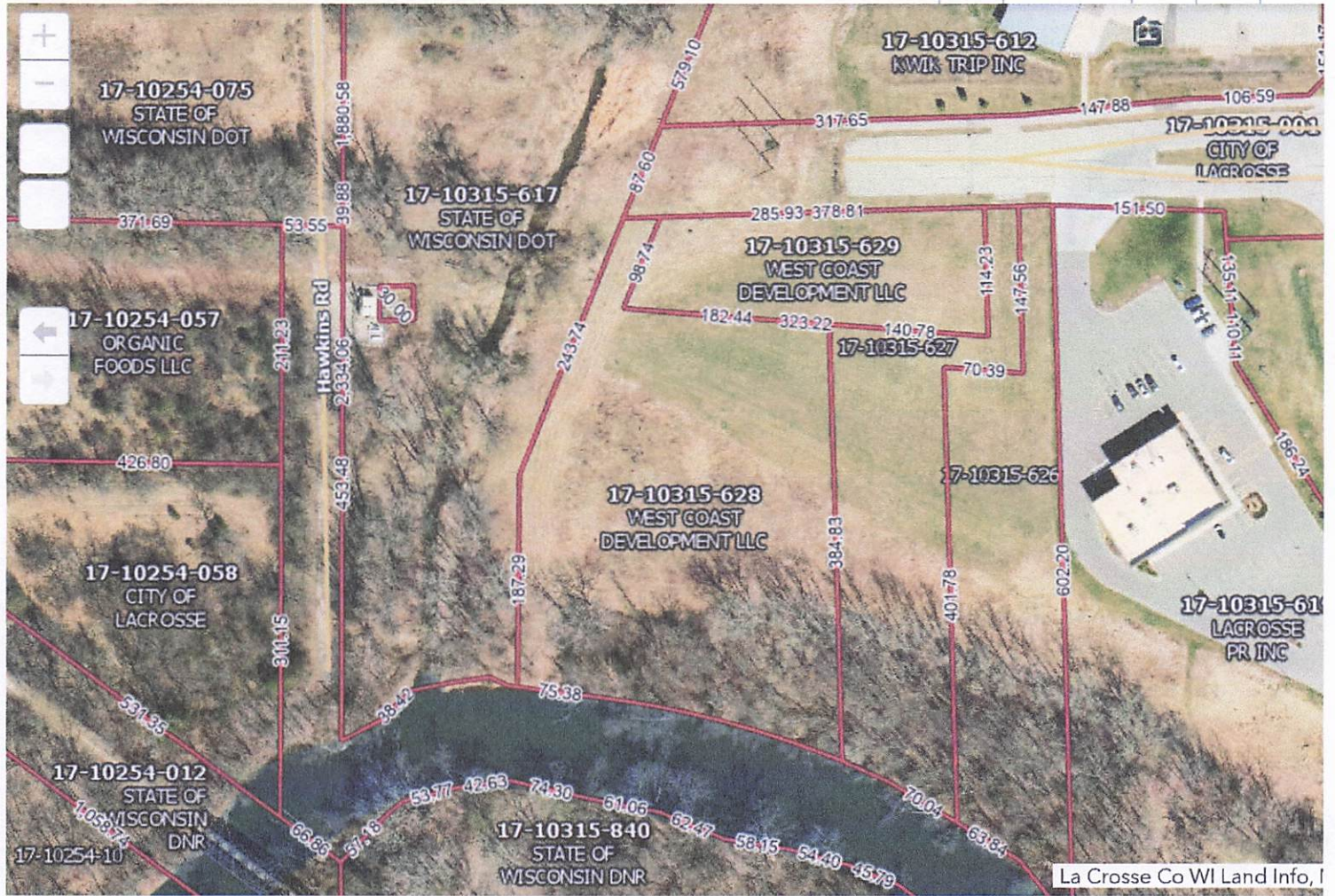
You are welcome to have a different opinion of our determination, but any subsequent conversations will have to occur with a higher power here at City Hall.

Sincerely,

[Quoted text hidden]



La Crosse County Interactive Map Viewer



-91.2073802 43.8618190 Degrees



Layer List

Property # 17-10315-629

Tax Year	Prop Type	Parcel Number	Municipality	Property Address	Billing Address
2025	Real Estate	17-10315-629	246 - CITY OF LA CROSSE	3102 CHESTNUT PL	WEST COAST DEVELOPMENT LLC 3152 33RD ST S LA CROSSE WI 54601 USA

Summary

Property Summary

Parcel #:
17-10315-629

Alt. Parcel #:
75812

Parcel Status:
Current Description

Assessed:
Yes

Taxed:
Yes

Creation Date:
2/12/2025

Historical Date:

Acres:
0.684

Property Addresses

Primary Address

3102 CHESTNUT PL LA CROSSE 54603

Owners

Name	Status	Ownership Type	Interest
WEST COAST DEVELOPMENT LLC	CURRENT OWNER		

Parent Parcels

Parcel Number	Creation Date
17-10315-629	6/19/2024
17-10315-901	1/19/2016

Child Parcels

No Child Parcels were found

Districts

Code	Description	Category
	LA CROSSE COUNTY	OTHER DISTRICT
	LOCAL	OTHER DISTRICT
	BOOK 1	OTHER DISTRICT
	LA CROSSE PO3	OTHER DISTRICT
	SUPERVISOR DISTRICT 2	OTHER DISTRICT

Abbreviated Legal Description

CERTIFIED SURVEY MAP NO. 87 VOL 20 DOC NO. 1819981 LOT 6 & PRT OF VAC CHESTNUT PL LYG N & ADJ TO VAC IN DOC NO. 1827756 SUBJ TO NSP ESMT IN V1522 P226 SUBJ TO ACCESS RESTR IN DOC NO. 1430650 & SUBJ TO ESMT IN DOC NO. 1446731





TX:4170394

1819981

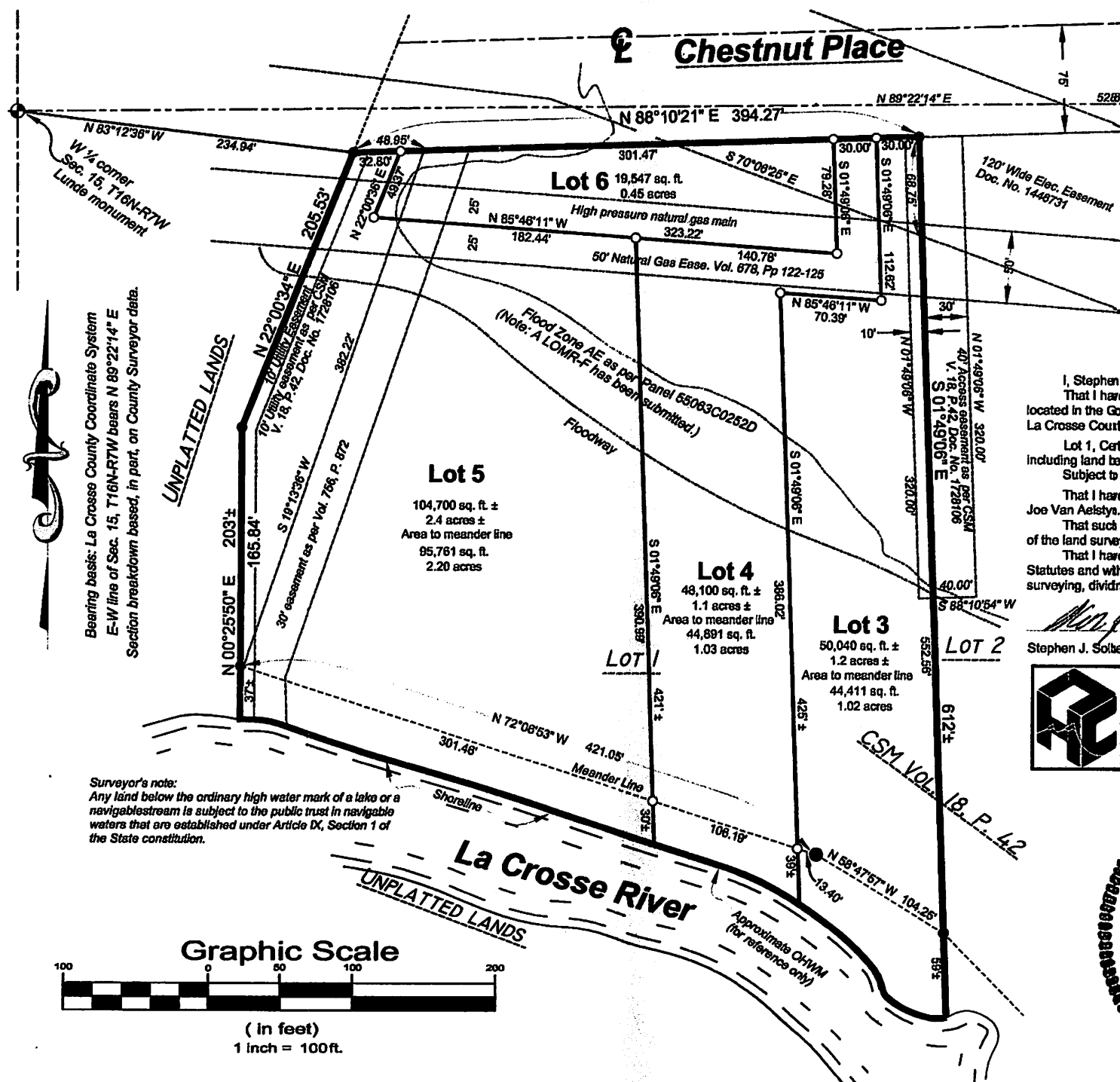
**LACROSSE COUNTY
REGISTER OF DEEDS
ROBIN L. KADRMAS**

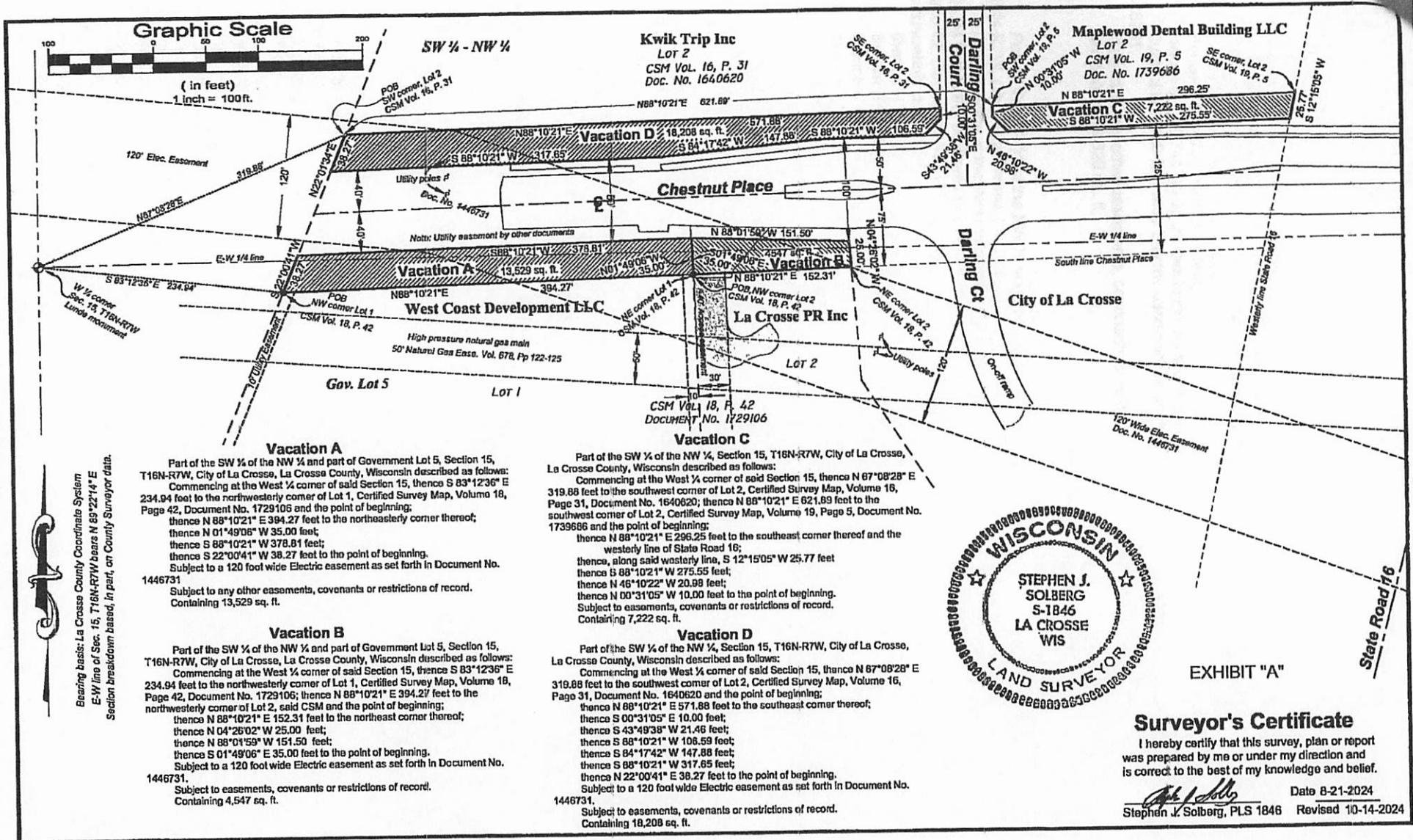
RECORDED ON
05/10/2024 11:04 AM
PAGE COUNT: 2
VOLUME: 20 PAGE: 87

Certified Survey Map

**Being all of Lot 1, CSM, Vol. 18, P. 42,
Document No. 1729106**

**Gov. Lot 5, Section 15, T16N-R7W
City of La Crosse, La Crosse County, Wis.**





Legal Description of 3102 Chestnut Pl. La Crosse, WI

Certified Survey Map No. 87 Voll. 20, Document No. 1819981 being Lot 6 and part of Vacated Chestnut Place lying North and adjacent to vacation in Document No. 1827756.

Size .684 Acres 29,795 Square Feet.

Sec. 115-149. ~~Local Business District.~~

- (a) *Scope and use regulations.* This section applies to the Local Business District. In the Local Business District, no building or land shall be used and no building shall be hereafter erected or structurally altered, except as otherwise provided in this chapter, for any of the following uses:
- (1) Animal or veterinary hospital or clinic, animal sales shop that includes a kennel where animals are bred or boarded, or stable unless they meet the requirements in Section 115-408.
 - (2) Automobile trucking or transfer service or storage yard.
 - (3) Blacksmith or horseshoeing shop.
 - (4) Bottling works, except breweries, wineries, distilleries as permitted in Subsection 115-150(a).
 - (5) Building materials yard or warehouse.
 - (6) Cabinet making or carpenter shop.
 - (7) Carpet or rug cleaning employing more than 12 persons on the premises.
 - (8) Cigar manufacture, employing more than five persons on the premises.
 - (9) Cement or lime warehouse.
 - (10) Cleaning or dyeing establishment employing more than 12 persons on the premises.
 - (11) Coal, coke or wood yard.
 - (12) Cold storage warehouse.
 - (13) Commission house or wholesale produce business.
 - (14) Contractor's storage yard or plant.
 - (15) Dairy, wholesale.
 - (16) Electric power plant or substation.
 - (17) Enameling, painting, plating, japanning, shellacking or lacquering shop.
 - (18) Hatchery or pigeon raising.
 - (19) Ice plant or storage of more than five tons capacity.
 - (20) Laundry employing more than five persons on the premises.
 - (21) Machine shop, tin shop, sheet metal shop, plumbing shop, welding shop, or pattern shop employing more than three persons on the premises.
 - (22) Monument works employing more than three persons on the premises.
 - (23) Any kind of manufacture or treatment, other than personal service shops, or the manufacture or treatment of products purely incidental to the conduct of a retail business conducted on the premises.
 - (24) Any use excluded from the Light Industrial District, except the following uses:
 - a. Dwellings above the first story.

- b. Crematories provided the crematory is odorless and smokeless and meets all applicable local, State and Federal laws and regulations.
 - c. Dwellings occupied by an owner, operator, or manager of a business which are used or intended to be used for living, sleeping, cooking, and eating, provided the dwelling occupies no more than 25 percent of the first floor and the remaining 75 percent or more of such first floor is a commercial use.
 - d. Dwellings below the first story occupied by an owner, operator or manager of a business located in the building which are used or intended to be used for living, sleeping, cooking, and eating.
- (25) General garages where motor driven vehicles are equipped, repaired, hired, sold, or stored unless meeting the requirement in Section 115-412.
- (26) Recycling Centers, unless they meet the definition and requirements of Chapter 10, Article XII.
- (27) Used car lot.
- (28) Parking lots, unless the parking lot is an accessory use to a primary structure on the same lot.
- (b) *Height regulations.* No building hereafter erected or structurally altered in the Local Business District shall exceed 45 feet or three stories in height.
- (c) *Area regulations.*
- (1) *Side yards.* In the Local Business District no side yard shall be required except as follows:
 - a. Buildings erected for dwelling purposes exclusively shall comply with the side yard regulations of the residence district.
 - b. Where a lot abuts upon the side of a lot in the Residence District or Multiple Dwelling District, there shall be a side yard of not less than six feet in width.
 - c. Every side yard that is provided where not required by these regulations shall be not less than six feet in width except that the Fire Chief may allow a side yard setback between zero feet and six feet if it is determined that said setback shall not jeopardize fire safety.
 - (2) *Rear yards.* On every lot in the Local Business District, there shall be a rear yard having a depth of not less than 20 feet.
 - (3) *Outer courts.* In the Local Business District, no outer court abutting upon the side of an adjoining lot shall be less than six feet in width and no outer court not abutting upon an adjoining lot shall be less than ten feet in width for a court one story in height and 30 feet or less in length. For each additional story of height, the width of every such court shall be increased one foot and for any additional length the width of every court shall be further increased at the rate of one foot in ten feet.
 - (4) *Inner courts.* In the Local Business District, no inner court shall be less than 16 feet in width nor shall the width of any such court be less than one-half of its height.

(5) Lot area per family. Every building hereafter erected or structurally altered in the Local Business District shall be provided with a lot area of not less than 1,000 square feet per family; provided, however, that this regulation shall not apply to , motels, hotels or apartment hotels, where no cooking is done in any individual room, suite or apartment; provided, however, this requirement of having a lot area of not less than 1,000 square feet per family shall not pertain to high density residential units in the Central Business District defined as the area between Cameron Avenue, the Mississippi River, the La Crosse River and Seventh Street.

(d) *Vision clearance.* The vision clearance of this district shall not be less than ten feet, determined by measuring ten feet each way from the corner lot at the street intersection on each street lot line; provided, however, upon review by the City Traffic Engineer and approval by the Board of Public Works, a vision clearance of less than ten feet may be approved for high density residential properties located in the Central Business District defined as the area between Cameron Avenue, the Mississippi River, the La Crosse River and Seventh Street once it has been reviewed by the City Traffic Engineer and approved by the Board of Public Works.

(Code 1980, § 15.08; Ord. No. 5091, § II, 5-9-2019; Ord. No. 5270, § II, 12-18-2023; Ord. No. 5322, § XI, 1-9-2025)

Sec. 115-150. - Community Business District.

(a) *Scope and use regulations.* This section applies to the Community Business District. In the Community Business District, no building or land shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this chapter except for the following uses:

- (1) Business and professional offices.
- (2) Clubs and lodges.
- (3) Financial institutions.
- (4) Hotels and motels.
- (5) Newspaper offices.
- (6) Plazas and observation decks.
- (7) Private indoor recreation and cultural facilities.
- (8) Public passenger transportation terminals such as heliports, bus and rail depots.
- (9) Public recreation and cultural facilities.
- (10) Radio broadcasting studios.
- (11) Residences above the first story.
- (12) Restaurants and other places serving food or drink.
- (13) Retail and personal or business service establishments.
- (14) Swimming pools.

- (15) Television broadcasting studios.
- (16) Theaters.
- (17) Public buildings.
- (18) Conditional or permitted uses as provided in article VII of this chapter.
- (19) Multiple dwellings that:
 - a. Meet the off-street parking in accordance with the standards set forth in Section 115-393;
 - b. Contain no less than one dwelling unit for each 400 square feet of land area;
 - c. No part or portion of any multiple dwelling shall be erected, constructed or extended nearer than 20 feet from the front line of any parcel on which it is constructed and that this 20 foot setback shall be entirely graded and sodded or seeded between side lot lines to the building face in a manner that will produce an acceptable lawn excepting only such areas as may be required for driveways or walks;
 - d. No part or portion of any multiple dwelling shall be erected, constructed or extended nearer than ten feet to any interior side lot line. The combined total side yards for any interior parcel shall be not less than 30 feet. All side yards shall be entirely graded and sodded or seeded except only such area as may be required for driveways or walks.
- (20) Dwellings occupied by an owner, operator, or manager of a business which are used or intended to be used for living, sleeping, cooking, and eating, provided the dwelling occupies no more than 25 percent of the first floor and the remaining 75 percent or more of such first floor is a commercial use.
- (21) Dwellings below the first story occupied by an owner, operator or manager of a business located in the building which are used or intended to be used for living, sleeping, cooking, and eating.
- (22) Residential living quarters on the ground floor, except for those properties located within the National Register La Crosse Commercial Historic District located in Downtown La Crosse.
- (23) Breweries of fermented malt beverages that include a tasting room with an annual production of less than 1,000 barrels per year. The storage of all items or materials utilized for production shall be in an enclosed building.
- (24) Wineries that include a wine tasting room and are no larger than 5,000 square feet. The storage of all items or materials utilized for production shall be in an enclosed building.
- (25) Distilleries for the production and bottling of distilled beverages that includes a tasting room. The storage of all items or materials utilized for the production of distilled beverages shall be in enclosed building. Must meet all applicable requirements associated with any state and federal licenses and adhere to National Fire Protection Association and International Building Code requirements.
- (26) Printing operations.

(27) Community festival facilities for nonprofit, governmental or commercial events such as, but not limited to, Oktoberfest, Jazzfest, school related events, community music and cultural events, fundraisers, wedding receptions or parties.

(28) Private garages for residents living above the first story meeting the requirements in Section 115-409.

(b) *Height regulations.* No building hereafter erected or structurally altered in the Community Business District shall exceed 160 feet in height.

(c) *Area regulations.*

(1) *Side yards.* In the Community Business District, no side yards shall be required except that every side yard that is provided where not required by these regulations shall be not less than six feet in width.

(d) *Vision clearance.* The vision clearance requirements for this district shall be the same as those required for the Local Business District.

(Code 1980, § 15.09; Ord. No. 5322, § XII, 1-9-2025)

Sec. 115-151. - Commercial District.

(a) *Scope and use regulations.* This section applies to the Commercial District. In the Commercial District, no building or land shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this chapter, except for the following uses:

(1) Any use permitted in the Local Business District.

(2) General garages.

(3) Conditional or permitted uses as provided in Article VII of this Chapter.

(4) Bakeries in which no more than 10,000 square feet are devoted to manufacturing purposes on the premises.

(5) Used car lots.

(6) Dwellings occupied by an owner, operator or manager of a business which are used or intended to be used for living, sleeping, cooking, and eating, provided the dwelling occupies no more than 25 percent of the first floor and the remaining 75 percent or more of such first floor is a commercial use.

(7) Dwellings below the first story occupied by an owner, operator or manager of a business located in the building which are used or intended to be used for living, sleeping, cooking, and eating.

(8) Printing operations.

(9) The staging and interim placement of large, manufactured products prior to shipping, mixed use commercial/office uses and outdoor storage of equipment and materials used for heavy moving. Land shall be maintained in a sightly condition and screened with landscaping and/or fencing.

- (10) Where it abuts R-1 through R-4 zoned property, the following small-scale urban agricultural uses:
- Wholesale/retail sale of produce and bedding plants grown on the premises, where the retail sales area is no larger than 200 square feet;
 - Composting and vermicomposting for greenhouse house use and retail sale;
 - Aquaponics;
 - Educational programs on nutrition, meal planning, growing, preparing and preserving produce; demonstration projects for establishing high-yield, small-space gardens and produce; sustainable building, renewable energy and business practices; or
 - Partnering with licensed incubator kitchens to produce "value-added" products such as sauces from produce grown on the premises.
- (11) Veterinary clinics, animal hospitals, and kennels used for the boarding of pet animals meeting the requirements in Section 115-408.
- (12) Funeral homes and crematories, provided the crematory is odorless and smokeless and meets all applicable local, State and Federal laws and regulations.
- (13) Private garages for residents living above the first story meeting the requirements in Section 115-409.
- (14) Recycling Centers meeting the definition and requirements of Chapter 10, Article XII.
- (b) *Height regulations.* No building hereafter erected or structurally altered in the Commercial District shall exceed 100 feet or eight stories in height.
- (c) *Area regulations.*
- Side yards.* The side yard regulations applicable in the local business district shall also apply in the Commercial District.
 - Rear yards.* On every lot in the Commercial District, there shall be a rear yard having a depth of not less than nine feet; provided, however, that each story of a building used in any part for dwelling purposes shall be provided with a rear yard having a depth of not less than 20 feet. A residential attached or detached garage is permitted in the C-2 Commercial Zoning District on lots that are smaller than 7,200 square feet provided that there is not an existing garage on the lot or parcel and the commercial building has residential dwellings. The size of an attached garage cannot be larger than the footprint square footage of the principal building or structure and a detached garage cannot be larger than 600 square feet. Said garage is required to meet the side yard setbacks under this chapter and cannot be in the front yard setback. There must be a minimum of a six foot rear yard setback for an attached or detached garage and the location of the garage and setbacks must be approved by the City of La Crosse Fire Department.
 - Outer courts.* The outer court regulations applicable in the Local Business District shall also apply in the Commercial District.

- (4) *Inner courts.* In the Commercial District, no inner court shall be less than 16 feet in width nor shall the width of any such court be less than one-third of its height.
- (5) *Lot area per family.* The lot area per family regulations applicable in the Local Business District shall also apply in the Commercial District.
- (d) *Vision clearance.* The vision clearance requirements for this district shall be the same as for the Local Business District.

(Code 1980, § 15.10; Ord. No. 5322, § XIII, 1-9-2025)

Sec. 115-27. - Department responsibilities.

The Department of Planning and Development, and the Fire Department-Division of Fire Prevention and Building Safety is hereby appointed to administer the provisions of this chapter. The Department of Planning and Development, Fire Department-Division of Fire Prevention and Building Safety or Engineering Department shall exercise the following duties and powers:

- (1) Advise applicants as to the provisions of this chapter and assist them in preparing permit applications.
- (2) Issue permits and inspect properties for compliance with this chapter and issue certificates of compliance when appropriate.
- (3) Keep records of all water surface profiles, floodplain zoning maps, floodplain zoning ordinances, nonconforming uses and changes thereto, permit applications, permits, appeals, variances and amendments related to floodplain zoning ordinance.
- (4) Submit copies of any required data, variances, amendments, case-by-case analyses, annual reports, and any other required information to the Department of Natural Resources. An annual summary showing only the number and types of zoning actions taken by the County, City or village shall be submitted to that Department by the Department of Planning and Development, Fire Department - Division of Fire Prevention and Building Safety or Engineering Department.
- (5) Investigate, prepare reports and report violations of the floodplain zoning ordinance to the City Attorney with copies to the appropriate district office of the Department of Natural Resources.
- (6) Submit copies of text amendments and annual reports to the Federal Insurance Administration (FIA) office of FEMA.
- (7) Maintain on file a list of all documentations of certified elevations.
- (8) Notify adjacent communities, the Department of Natural Resources and the Federal Insurance Administration (FIA) office of Federal Emergency Management Agency (FEMA) prior to any alteration or relocation of a watercourse.

(Code 1980, § 15.28(A)(1)—(7), (9); Ord. No. 4911, § I(attch.), 1-14-2016)

Editor's note— Ord. No. 4911, § I(attch.), adopted Jan. 14, 2016, amended § 115-27 and in so doing changed the title of said section from "Department of Planning and Development" to "Department responsibilities," as set out herein.

Sec. 115-31. - Survey; when required.

No building shall be erected, reconstructed, or structurally altered, which, when upon completion of the erection, reconstruction, or alteration, any portion of it shall abut upon a public street, alley, way or ground, unless and until upon application for a permit for such erection, reconstruction, or alteration, the applicant shall furnish a survey made by a qualified land surveyor in sufficient detail to show that the proposed construction will not in any way encroach upon any public lands.

Sec. 8-116. - Zoning Administrator.

The City of La Crosse Fire Department - Division of Fire Prevention and Building Safety is authorized to administer this article and shall have the following responsibilities and powers:

- (1) Approve or conditionally approve permits that do not exceed required height restrictions;
- (2) Inspect any building site or improvement or use of land as required by this article;
- (3) Maintain record of approvals, denials, conditions of approvals, and inspections made, and maintain a complete public record of all proceedings;
- (4) Review and make recommendations to the Council on all zoning map changes and amendments to the text of the article;
- (5) Oversee the functions of all impacted areas by this article;
- (6) Require complete and accurate information necessary to make reasonable evaluations of applications;
- (7) Delegate the responsibilities of administration and enforcement of this article to the City of Onalaska, Town of Onalaska, Town of Campbell, Town of Medary, Village of Holmen, and County of La Crosse provided this article is adopted by the governing body by reference;
- (8) Hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district;
- (9) Hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure(s), and are compatible with neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Zoning Administrator and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this article shall be required; and
- (10) Investigate, prepare reports, and report violations of this article to the City Fire Department - Division of Fire Prevention and Building Safety and City Attorney's Office for prosecution.

(Code 1980, § 13.01(F)(1)(a); Ord. No. 4911, § I(attch.), 1-14-2016; Ord. No. 4943, § III, 7-14-2016)



Memo 2

To: City of La Crosse
From: MSA Zoning Code team
Subject: Diagnostic Summary
Date: February 21, 2025 (Residential Districts: pages 1-4)
Date: March 25, 2025 (Commercial & Industrial Districts; Subdivision Regulations: pages 5-9)

The La Crosse Zoning Code is found in Chapter 115 of the Municipal Code and is defined by seven articles and contains the following:

- A total of 211 pages
- 21 districts and 2 overlay districts
- Definitions, penalties, administration, appeals and amendments are found in Articles I and II
- District regulations are found in Article IV; dimensional standards that apply for each district begin on page 26.
- Overlay regulations are defined in Article V.
- A generous list of conditional uses is defined in Article VI that covers 23 pages of address additional standards and regulations. We will provide an additional analysis just focused on conditional uses.
- Article VII cover supplemental regulations including design standards for multi-family housing and commercial uses and the traditional neighborhood development (section 115-403).
- Generally, urban standards (and dimensional requirements) are written out in extended sentences and are often difficult to follow.
- It seems, in general, that most of the residential districts share dimensional standards and regulations subject to different time periods, going back to the 1938 edition of the code.
- The word 'special' is used in the title for the R-3 and R-6 districts but it isn't clear exactly what this means or designates.

Residential

A high level review of the R districts follows; titles are spelled out as they appear in the body of the code.

Agriculture (A-1) and Exclusive Agriculture (EA) Districts

The code includes an Agricultural district and an Exclusive Agricultural district. The A-1 district's purpose is to act as a preserve for future urban development. The Exclusive Ag district is intended to preserve lands for food and fiber production. In either case not many areas/parcels zoned are A-1 or EA; it appears the only active agricultural use is in the southern part of the city along Old Town Hall Rd.

R1 District

Unlike the A-1 and EA districts, the R1 district does not include a direct purpose statement. The R1 Single Family district does allow two-family dwellings provided they were in existence on September 13, 1984 with an odd requirement that a new two family dwelling can replace an existing two family dwelling if it is limited to 2 bedrooms in each unit; no additional bedrooms can be added in any case.

Commercial Districts

There are three (3) commercial districts that are closely related to each other relative to dimensional standards, with distinctions for building heights and certain uses.

- Local Business: C-1
- Commercial District: C-2
- Community Business: C-3

The code is written to identify uses that are not allowed in the C-1; and C-2 and C-3 are written that list what uses are allowed. It appears that the Local Business District (C-1) provides the basis for most commercial uses in the city; any use in this district is also permitted in the Commercial District (C-2). The Community Business (C-3) district is mostly focused on blocks and parcels in the downtown area and includes a more narrow range of uses. All of the commercial districts allow some type of residential use and appear to rely on bulk standards based in the Residence (clarified to refer to the current R2 District) and Multiple Dwelling (the R-5 District) districts.

Conditional uses are coded in Article VI; we will provide an additional analysis just focused on conditional uses.

Local Business C-1

Despite its title this district regulates a broad range of uses throughout the city and also provides the basis for allowed uses in the Commercial district (C-2). The title, which dates back to the 1938 code, may have regulated smaller size commercial parcels and allowed uses more related to neighborhoods in the city at a point in history. Among the dimensional standards are references to 'outer' and 'inner' courts, a very specific outdoor space that we have not found a local example of from our current analysis.

Commercial District C-2

This district functions as the general and 'highway' commercial district throughout the city and as such regulates a wide range of commercial buildings from enclosed malls to small franchise operations to less intensive uses surrounding the downtown core. It regulates large commercial areas like Valley View Mall, in-line and shopping center uses along Hwy 53, commercial uses along Hwy 61 and a number of blocks and partial blocks surrounding the downtown core. The language, unlike language in the C-1 district, defines uses that are allowed Like the Local Business District, C-2 defines regulations for 'outer' and 'inner' courts as well as residential uses.

Community Business C-3

This district is mainly concentrated on the downtown core that is defined by walkable streets, urban storefronts, on-street and structured parking as well as a mix of uses including historic districts and properties.

Page 41 of the code under 'Vision Clearance' refers to properties in the Central Business District (capitalized) and defines a specific boundary (Cameron Ave, Mississippi River, La Crosse St and Sevent St) but there is no Central Business District in the code or zoning map. This appears to be a generic reference but it's capitalized spelling is confusing.

Industrial

There are two industrial districts, Light M-1 and Heavy M-2, both of which operate from a similar set of uses. Both of these districts declare particular uses that are not allowed as a distinction for what is allowed. The Heavy Industrial district includes a majority of the land mapped; Light Industrial zoning tends to be smaller lots and parcels in discrete locations.

Future Land Use

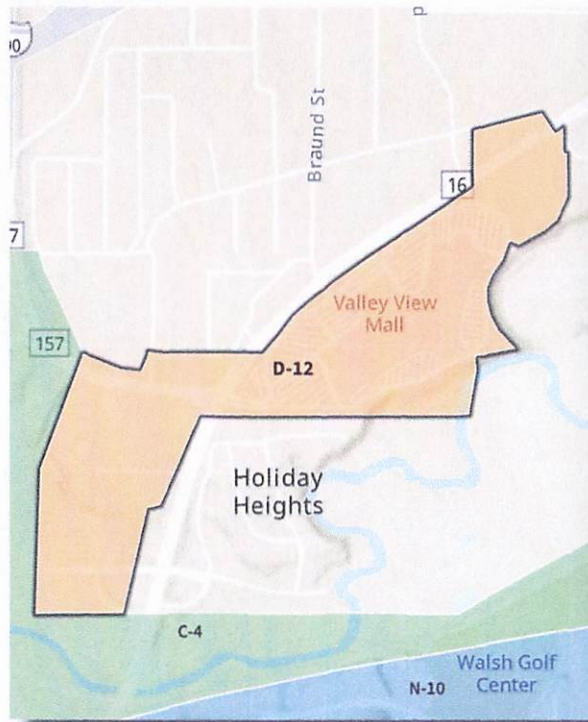
This table summarizes the future land use designations described on the following pages of this chapter.

	Low-Density Residential	Medium-Density Residential	High-Density Residential	Low-Intensity Mixed-Use	High-Intensity Mixed Use	Neighborhood Retail/Commercial	Commercial	Industrial	Institutional	Parks & Open Space	Conservancy, Wetlands, Agriculture
Districts & Corridors	Districts										
	Airport	U	U	U	U	D	D	D	A	D	D
	Black River	U	D	D	A	D	A	A	A	D	A
	Downtown	U	A	D	A	D	U	U	A	D	U
	Gundersen	A	D	D	A	U	U	U	A	D	D
	Industrial	U	U	U	U	U	U	D	A	A	D
	International Business Park	U	U	U	A	U	A	D	U	A	A
	Isle La Plume	U	U	U	U	U	A	A	A	D	A
	Mayo Clinic/Viterbo	A	D	A	D	A	A	U	A	D	U
	St. James Industrial	U	U	U	U	A	A	D	U	A	D
	Trane & Chart	U	D	D	A	D	A	A	U	A	A
	UW-La Crosse	U	D	D	A	D	U	U	A	D	A
	Valley View Mall	U	A	D	A	D	D	U	A	U	U
	Corridors										
	Hixon Forest	A	U	U	U	U	A	U	A	D	D
	Highway 14	U	D	D	A	D	D	A	A	A	U
	Highway Route 53	A	D	D	A	D	D	U	A	A	U
	La Crosse Marsh	U	A	U	A	U	A	U	A	D	D
	State Road	U	D	D	D	A	D	U	A	A	U

D=Desirable A=Allowable U=Undesirable

D=Desirable A=Allowable U=Undesirable

VALLEY VIEW MALL DISTRICT (D-12)



District Description

The Valley View Mall district is a commercial district that encompasses the mall. This District features expansive surface parking space and large-format retail stores. Anchor retail stores at the mall include Barnes and Noble, JC Penney, and Ulta Beauty, among many other smaller retail stores and chain restaurants.

Vision for Future Land Use

At the time of this Plan's creation, there were several vacant storefronts available for redevelopment at the Valley View Mall. As a retail hub with abundant access to goods and services, there is an opportunity to include high-density residential uses within the district. Any development of this nature should be paired with expanded transportation access both for future residents as well as residents/visitors from outside of the district.

Voices from the community

"Greatly looking forward to the development of Hy-Vee. They offer much more than existing grocery options and would use the mostly currently empty space well"

"There needs to be a movie theatre on this end of town. It could be at the mall (again). There could be an escape room, a museum, more restaurants..."

Existing Uses	Low-Density Residential	Medium-Density Residential	High-Density Residential	Low-Intensity Mixed-Use	High-Intensity Mixed-Use	Neighborhood Retail/Commercial	Commercial	Industrial	Institutional	Parks and Open Space	Conservancy, Wetlands, Agricultural
A	U	A	D	A	D	D	D	U	A	U	U