



Fire Prevention and Building Safety

400 La Crosse St., La Crosse, WI 54601 • (608) 789-7530 • Fax: (608) 789-7589
<http://www.cityoflacrosse.org> inspection@cityoflacrosse.org

Ken Gilliam, Fire Chief



8/3/2020

William Torrance
3131 Commerce St
La Crosse WI 54603

RE: An appeal to allow a solid fence, barbed wire eight feet above grade, and barbed wire projecting outward at 3131 Commerce St.

Dear Mr. William Torrance:

We have received your building permit application to construct a fence that does not meet the minimum requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code) regarding fences and barbed wire.

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

115-398

(d) *Fences on nonresidential property.* Fences are permitted on the property lines in all commercial zoning districts but shall not exceed eight feet in height in commercial zoning districts and ten feet in height for property zoned light or heavy industrial and shall be of an open type similar to woven wire, chainlink or wrought iron fencing. Fences regulated under Section 10-49(2)(b) as part of an approved Beer Garden License are not subject to these restrictions. Solid vinyl or composite fences are only allowed on property lines abutting a residential property, but cannot be taller than six feet. The fence can be up to eight feet tall by a conditional use permit.

(e) *Prohibited fences.* No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten feet above grade and project toward the fenced property and away from public area.

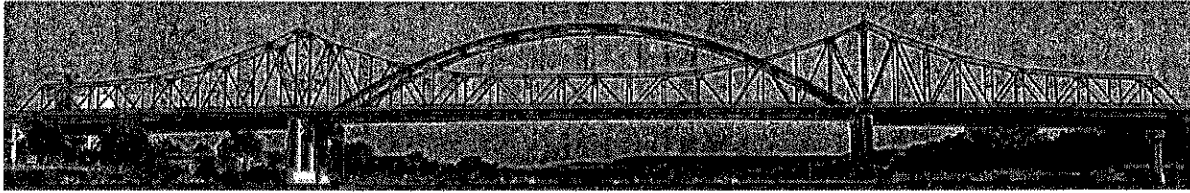
Therefore, if upon consideration of all of the facts surrounding this appeal in a public hearing, the Board of Zoning Appeals determines that this appeal meets all of the criteria established by the Legislature of the State of Wisconsin, as interpreted by the Supreme Court of the State of Wisconsin for the granting of variances, the Board of Zoning Appeals would have to grant three variances, 1) to allow a solid non-open type fencing material, 2) a variance of two feet to the ten feet above grade requirement for barbed wire (eight feet above grade) and 3) barbed wire to project away from the fenced property.

Sincerely,

Matthew Diehl
Building Inspector

CITY OF LA CROSSE

Third Floor-City Hall, 400 La Crosse Street, La Crosse, Wisconsin 54601
Phone 608/789-7530 Fax 608/789-7589


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

3131 COMMERCE ST LA CROSSE

Print View

Parcel: 17-10251-100 Internal ID: 26692
Municipality: City of La Crosse Record Status: Current

Parcel Information:

Parcel: 17-10251-100
Internal ID: 26692
Municipality: City of La Crosse
Record Status: Current
On Current Tax Roll: Yes
Total Acreage: 7.010
Township: 16
Range: 07
Section: 16

Legal Description:

LACROSSE INTERSTATE INDUSTRIAL PARK ADDITION S 120.15FT LOT 2 ALL LOT 3 & N 33FT LOT 4 SUBJ TO RR ESMT OVER S 12.5FT LOT SZ: IRR

Property Addresses:

<u>Street Address</u>	<u>City (Postal)</u>
3131 COMMERCE 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>
C/O MARY AFFELDT	In Care Of	3131 COMMERCE ST	LA CROSSE	WI	54603
TORRANCE CASTING INC	Owner				

Districts:

<u>Code</u>	<u>Description</u>	<u>Taxation District</u>
2849	LA CROSSE SCHOOL	Y
1	Book 1	N

Additional Information

<u>Category</u>	<u>Description</u>
2012+ VOTING SUPERVISOR	2012+ Supervisor District 2
2012 + VOTING WARDS	2012+ Ward 3
POSTAL DISTRICT	LACROSSE POSTAL DISTRICT 54603

Lottery Tax Information ⓘ

Lottery Credits Claimed: 0
Lottery Credit Application Date:

Parcel

Taxes

Outstanding Taxes

Assessments

Deeds

Permits

History

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.