



# 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>



June 2, 2021

Derek Clark  
1711 Weston St.  
La Crosse, WI 5460

Steiger Construction  
2812 28<sup>th</sup> St. S.  
La Crosse, WI 54601

RE: An appeal regarding the requirement to provide a 15'-1' set back (average of the dwelling on each side) from the front property line at 1711 Weston St., La Crosse, Wisconsin.

Dear Derek Clark,

We have received the permit application to construct an addition 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 and does not meet any of the exceptions for existing nonconforming primary structures listed under 115-143 (c)(1).

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

Sec. 115-143 (c) - 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 areas as may be required for driveways and walks.

115-143 (c)

(1) *Exceptions for existing nonconforming primary structures.*

- a. Any existing nonconforming primary structure that does not meet current front, rear, or side yard setbacks, may be permitted to construct, on the existing building or structure footprint (foundation line), building alterations or remodeling so long as the newly constructed area does not extend further into the setbacks that the existing building or structure footprint.
- b. Additions may be permitted to an existing primary building or primary structure provided that the addition does not encroach further into a required setback than currently exists along any building line extended.



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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 1'-7" to the required 15'-1" set back to the front property line for this project to proceed as proposed.

Sincerely,

David Reinhart

Chief Building Inspector

## **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.

### STANDARDS FOR USE VARIANCE

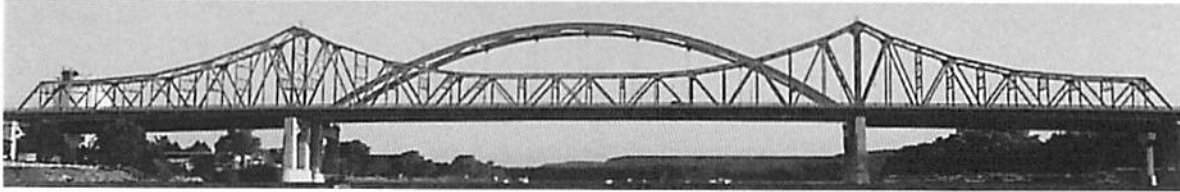
- ☐ 1. The proposed variance is not contrary to the public interest. The purpose statement of the ordinance and related statutes must be reviewed in order to identify the public interest. Variances must observe the spirit of the ordinance, secure public safety and welfare and do substantial justice. In considering effects of a variance on public interests, broad community and even statewide interests should be examined; the public interest standard is not confined to scrutiny of impacts on neighbors or residents in the vicinity of a project.
- ☐ 2. The property has a special or unique condition. The property must have unique or physical features which prevent compliance with the ordinance. The circumstances of an applicant, such as growing family or need for a larger garage, are not legitimate factors in meeting this standard. Property limitations that prevent ordinance compliance and that are not unique but common to a number of properties should be addressed by amendment of the ordinance.
- ☐ 3. The special condition of the property creates an unnecessary hardship.
  - A. Unnecessary hardship means no reasonable use of the property. An applicant would have to demonstrate that none of the uses allowed as permitted or conditional uses in the current zoning district are feasible for the property in order to comply with this task. This circumstance is highly unlikely.
  - B. Unnecessary hardship may not be self created. An applicant may not claim hardship because of conditions which are self-imposed. Examples include claiming hardship for a substandard lot after having sold off portions that would have allowed building in compliance and claiming hardship where construction was commenced without required permits in violation of ordinance standards.
  - C. Financial hardship is not a deciding factor. Economic loss or financial hardship does not justify a variance.

## **BOARD OF ZONING APPEALS**

### **Administrative Appeal**

An administrative appeal is a legal process provided to resolve disputes regarding ordinance interpretation (including decisions about jurisdiction, and procedures) and where the reasonableness of a zoning department order is challenged. Where zoning ordinance language is unclear or contested, it must be interpreted in order to implement local land use policies. Appointed officials and staff who administer an ordinance interpret its provisions routinely and must apply them consistently. Their interpretations should reflect the understanding of the planning committee or commission on the matter since these bodies are responsible for local land use policy administration. The committee/ commission is, in turn, politically responsible to the local governing body for accurate interpretation or an administrative decision is formerly contested, state statutes require local zoning boards to resolve the question. Their decisions may be appealed through the courts.

*(Zoning Board Handbook 2001 UW- Stevens Point)*

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

## 1711 WESTON ST LA CROSSE

Parcel: 17-50009-80 Internal ID: 35808  
Municipality: City of La Crosse Record Status: Current

Print View

### Parcel Information:

Parcel: 17-50009-80  
Internal ID: 35808  
Municipality: City of La Crosse  
Record Status: Current  
On Current Tax Roll: Yes  
Total Acreage: 0.149  
Township: 15  
Range: 07  
Section: 08

### Legal Description:

WILLING & LACHERS ADDN LOT 22 BLOCK 1 LOT SZ: 50 X 130 +/- >ALC702/24  
LC668/58 665/898

### Property Addresses:

Street Address	City (Postal)
1711 WESTON ST	LA CROSSE

### Owners/Associations:

Name	Relation	Mailing Address	City	State	Zip Code
DEREK L CLARK	Owner	1711 WESTON ST	LA CROSSE	WI	54601-6556
MELANIE CARY	Owner	1711 WESTON ST	LA CROSSE	WI	54601-6556

### Districts:

Code	Description	Taxation District
2849	LA CROSSE SCHOOL	Y
5	Book 5	N

### Additional Information

Category	Description
2012+ VOTING SUPERVISOR	2012+ Supervisor District 10
2012 + VOTING WARDS	2012+ Ward 23
POSTAL DISTRICT	LACROSSE POSTAL DISTRICT 54601
Use	1 UNIT

### Lottery Tax Information ⓘ

Lottery Credits Claimed: 1 on 10/30/2002  
Lottery Credit Application Date: 10/4/2002

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