



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final

Board of Zoning Appeals

Wednesday, May 27, 2020

7:00 PM

Council Chambers

Call to Order, Roll Call

Cherf called the meeting to order at 7:00 p.m. Cherf explained the meeting procedure and called the roll.

**Note: Kimmet appeared virtually; Lu Seloover (alternate member) was present to participate in discussion on the Other Business on the agenda.*

Present: 5 - Douglas Farmer, James Cherf, Anastasia Gentry, Delores Spies, George Kimmet

Variance appeals:

Cherf opened the public hearing.

[2643](#)

An appeal regarding the requirement to provide a rear yard setback of 24 feet at 4615 33rd St. S., La Crosse, Wisconsin.

David Reinhart, representing the Inspections Department, appeared virtually via the live stream of the meeting and was sworn in by Cherf. Reinhart went over the requirements for granting a variance: unnecessary hardship, hardship due to unique property limitations, and no harm to the public interest. Reinhart stated that the owner has applied for a permit to construct a three-season room at this property. Per municipal code section 115-142 states that every lot in the residence district shall have a rear yard having a depth of not less than 20 percent of the depth of the lot with a minimum of 15 feet and a maximum of 30 feet. At this property the rear yard setback requirement is 24 feet. For this project to proceed as proposed, a variance of 9 feet will be required to grant this variance.

Reinhart shows a sketch of the plan that was made by the contractor; he states that it is not very well put-together, but he will answer questions as he is able. Cherf asks how big of a structure could be built without having the need of a variance. Reinhart responds that if it is from the dwelling, it would be about three feet. Farmer says for a normal lot it is required to have 7,200 square feet of area. He asks if there is a separate requirement for properties that are twindominiums. Reinhart says that there are not. Farmer confirms that this is still required to have 7,200 square feet. Reinhart says any new lots that area created must have 7,200 square feet; they may then be split in half to have a twindo.

Farmer asks if Reinhart knows how many square feet this lot has; Farmer adds that it really doesn't matter because you have a single-family structure on a smaller lot size than you otherwise would have. Reinhart says it depends on how you look at it; it is technically one structure with two units with a property line through the middle. Farmer says in this situation it makes for a very small lot for the two units to share and it may

be a unique property limitation in this case. Reinhart says that there are multiple lots in the City that are similar to this one; so it is not really a unique property limitation, especially in this area. There is discussion amongst the Board on how many square feet the lot has and 5,200 is agreed on. Farmer says in this case the possible unique limitation makes this possibly too small for the proposal.

A black and white photo of a view of the rear yard where the proposed three-season room is planned. The next slide shows an aerial photo of the property, which Reinhart says shows all of the similar properties in the area. Reinhart says that in the requirements for granting a variance, there is no unnecessary hardship here; per the application, the owner states that she "would love to sit in her room to enjoy retirement." There is no unique property limitation because the property is similar in size to all other twin home lots in the city; there are over 150 in the adjacent area alone. Reinhart also adds that there is no harm to the public interest and that this variance should not be granted because it does not meet all three requirements per the State to grant a variance.

Cherf states the applicant nor anyone from the public and there have been no electronic communications coming through the livestream. Cherf closes the public hearing and moves into the deliberation session of the meeting.

Motion by Cherf, second by Gentry, to deny the variance request for the reasons stated by Farmer (below).

Farmer: The property has 4,800 square feet, while that meets the unique property limitation, it also makes the proposed three-season room addition impractical. Creating such congestion would be contrary to public interest and make fire prevention efforts more difficult. There is no unnecessary hardship because at the beginning of the day there was no addition and at the end of the day it is the same.

The motion carried by the following vote:

Yes: 5 - Farmer, Cherf, Gentry, Spies, Kimmet

Other Business

- Election of Vice Chair.

Unanimous nomination of Farmer. All in favor of Farmer remaining as Vice Chair.

- Discussion on meeting time.

Cherf opened the discussion and asked members if they had a time in mind for future meetings. Gentry suggested 5:30 p.m.; Seloover agreed that the suggested time would be good for applicants as well since most people work until 5 p.m. Reinhart suggested 4 or 4:30 p.m. since staff would already be working and it would impact the budget less, especially with the cuts that are most likely coming.

Cherf noted that because of the City's wish to keep the public to the first floor only, the available meeting rooms would be council chambers, or the north or south conference rooms. He also stated if the Board wanted to remain on the third Wednesday of the month, that the meeting would not be able to take place until 5:30 p.m. He also mentioned that other City buildings could possibly be available; Farmer suggested that

the meetings remain at City Hall since it is centrally located.

The Board agreed that they'd like to keep the meeting on the same week of the month, but move it to a different day.

Motion by Farmer, second by Spies to change meeting time to 4 p.m. on whatever day is available at that time during the third week of each month. All in favor.

****The third Monday of each month was available and was scheduled for future meetings.***

Adjournment

Motion by Farmer, second by Spies to adjourn at approximately 7:35 p.m. All in favor.