



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final

Board of Zoning Appeals

Monday, April 19, 2021

4:00 PM

Council Chambers

Call to Order, Roll Call

Cherf called the meeting to order, explained the meeting procedure, and called the roll.

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

Variance appeals:

2656

An appeal regarding the regulation limiting the number of garages to one, and the requirements that an accessory structure cannot exceed 17 feet in height from the finished floor, the accessory structure wall height cannot exceed 10 feet in height, and the garage door height cannot exceed 8 feet in height at a property known as 1524 Island Street, La Crosse, Wisconsin.

Kelsey Hanson, 400 La Crosse Street, representing the Community Risk Management, is sworn in to speak. Hanson goes over the three requirements to grant a variance: unnecessary hardship, hardship due to unique property limitations, and no harm to public interests. She states that the owner has applied for a permit to build a detached garage. Municipal Code 115-142 (2) states that accessory buildings can include only one private garage. Municipal code 115-390 (1) states that the overall height of accessory buildings shall not exceed 17 feet from finished floor to the highest point, the overall wall height shall not exceed ten feet, and the main garage doors shall not exceed eight feet in height. Hanson states that the owner currently has an attached garage, making this the second garage property.

Hanson says the owner currently has an attached garage making this the second garage on the property. The owner proposes the garage to have an overall height of 21 feet, 10 inches, with a wall height of 10 feet, 6 inches, and a garage door height of 9 feet. Four variances will need to be granted for this project to proceed as proposed: a variance to allow an additional garage, variance of 4 feet, 10 and 19/32 inches for the overall height, a variance of 6 inches for the wall height, and a variance of 1 foot for the garage door height.

Hanson goes over the requirements to grant a variance. She states that there is no unnecessary hardship because the dwelling can still be used without a second garage. In relation to a unique property limitation, she says this is a larger than normal size lot. She states that granting four variances would set a dangerous precedence which would be a harm to public interests. Hanson recommends that these variances not be granted because they do not meet the three requirements per the State to grant variances; she adds that if the Board does grant the variances, the CRM department requests that the Board add a stipulation that the lots are required to be combined prior to issuing a building permit.

Speaking in Favor:

David Thurston, 1524 Island Street, is sworn in to speak. Thurston states that he will first speak on the public interest topic. He states that they are aware of the historical and natural characteristics of the area as they have lived in this area for 41 years and they wouldn't want to do anything contrary. He states that they recognize the Native Americans that have lived there; the front yard of their property features a turtle-shaped effigy mound. He says their landscaping is based around natural occurring things there; they do not use sod which wildlife, including turtles, do not like. They do not use excess fertilizer and water. Thurston believes this project would be an improvement to the aesthetics of the area.

Thurston states that it does have a very unique condition in the sloping of the yard that is something that they enjoy and it creates an urban forest area, but also makes it unusable for any other purpose. Thurston states that part of the hardship is that the area was a City-plotted lot all by itself which can't no longer can be used as a lot by itself due to the fact that Harvey Street has been abandoned. There is no sewer or utility to that area. With the contour of the land, it would be difficult. When they bought the property, part of the agreement with the City was to not disturb or change the contours, which they have stuck to. He states another hardship that has happened since the last meeting is that two neighbors reported vandalism and suspicious activities. Their tools and equipment have been outside subject to theft, vandalism, and the elements. Thurston states he believes they have met all the criteria to grant a variance. They need the space and the taller door for storage of equipment.

Farmer asks if the commitments to preserve the slope were part of an agreement. Thurston says that is correct and he adds at the time the City planner envisioned the area an unusable, they built the house there so as not to disturb the area. Thurston says that the neighbors had told them that the City at some point in time wanted to expand Red Cloud Park and put in a park shelter there. Farmer asks if the commitments were restrictions on the deed or if there was some kind of covenant or agreement signed by all parties. Thurston states that they may have just been wishes, but it was part of the purchase agreement, not written into a deed or anything like that.

David Reinhart, representing Community Risk Management, is sworn in to speak. Reinhart says that the owner stated that the shed is needed for personal property and that would be a self-created hardship. He states that the house was built in 2015 and they could've planned more appropriately and built a bigger attached garage to meet all their needs at that time. Cherf asks if they can now expand their current garage. Reinhart says it appears that they would have that ability. Farmer asks if Reinhart is away if there are any restrictive covenants associated with this property. Reinhart says he is not aware of any; they do not see that information when they are issuing permits.

Thurston comes forward for a rebuttal. He states that he was told at the time that 1,000 square feet was the maximum size of an attached garage and that 8 feet was the maximum door height. He adds that this is not a self-imposed hardship because they need the equipment to maintain the urban forest as it takes a bit more than a rake and a bushel basket to handle all of it. Reinhart states that the requirements Thurston stated are for a detached garage; an attached garage can be as large as the footprint of the dwelling.

Motion by Farmer, second by Spies to deny the variance request.

Motion by Farmer, second by Spies to add that the motion is for file 2656 at 1524 Island Street and that his notes should be incorporated into the motion.

Farmer's notes:

"The excess real estate does not create the same 'unique limitation' as a lot of extremely small lot or a lot that is on the edge of a cliff, or it's unbuildable or has unusual setback requirements. There possibly not harm to the public interest outside of the concern expressed regarding nesting turtles. Whether nesting turtles are an interest is left to parties better able to judge that issue. There may have been commitments made at the time of purchase about preserving various aspects of the property. This has not been further researched and it isn't the board's job to find that; that belongs to the applicant. The unnecessary hardship is difficult to quantify and denial will probably make any other use unlikely."

The motions carried by the following vote:

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

Other Business

Motion by Cherf, second by Spies to nominate Farmer as Vice Chair. Farmer was re-elected Vice Chair by vote of 4 to 1 (Farmer).

Adjournment

Motion by Farmer, second by Spies to adjourn at 4:27 p.m. Motion carried.