



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final

Board of Zoning Appeals

Monday, June 21, 2021

4:00 PM

Southside Neighborhood Center, 1300 6th St S

Call to Order, Roll Call

Cherf called the meeting to order at 4:01 p.m., explained the meeting procedure, and called the roll.

Present: 5 - James Cherf, Jim Webb, Anastasia Gentry, George Kimmet, Sam Deetz

Variance appeals:

Cherf opened the public hearing.

[2657](#)

An appeal regarding the requirement to provide a 15-foot, 1-inch setback from the front property line at 1711 Weston St., 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 for granting a variance: unnecessary hardship, hardship due to unique property limitations, and no harm to public interests. Hanson states that the owner has applied for a permit to build a covered front porch addition. Municipal Code 115-143(c) states that there shall be a front yard having a depth of not less than 25 feet, provided that where lots compromising 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. A variance of 1 foot, 7 inches to the required 15 feet, 1 inch will need to be granted for this project to proceed as proposed.

Hanson shows a site plan and points out that the property in question is the one in the center. She states that the proposed setback is 13 feet, 6 inches. She says the neighbor at 1717 has a setback of 15 feet, 6 inches and 1707 has a setback of 14 feet, 8 inches; 1711 has a current setback of 19 feet, 6 inches. She shows an aerial view of the property and points out that all three properties shown have a stoop on the front with the property in question being the one in the center. Hanson says that the property can still be used as a dwelling so it does not have a hardship; there is not a unique property limitation as the property is the same size and shape as numerous lots throughout the City. She adds that there is no harm to public interest. Based on the requirements to grant a variance, she states that this variance should not be granted.

Speaking in Favor:

Derek Clark, 1711 Weston St., is sworn in to speak. Clark states that they have lived in their house for 19 years, it is small, but it suits them well. He says the only thing it is lacking is a front porch. Over time they have saved up to be able to add on a front porch. As they are over 50 and getting close to retirement they have been thinking about if they want to move, but they are settled on staying. Clark states that they have used a porch at a previous residence and they would regularly use a porch if they are

able to add it on. He says that they need a front porch to be able to be outside, but be shielded from the sun and the rain. The front porch is important because there is a lot of foot traffic in front of their house so they can engage with neighbors. He adds that community leaders have spoken about people engaging with each other, so this project would help meet those goals. Clark states that this will increase the value of the house and add to the tax base.

Clark states that he believes the request meets all three requirements. He states that there is no harm to the public interest; this is beneficial to them and for the neighborhood and city as a whole. Due to unique property characteristic they cannot comply with the ordinance because their house is set too far forward on the property to comply with the ordinance. He states that many other houses are placed further back on the property and are not limited in the way they are. This ordinance creates an unnecessary hardship in that they are not allowed to improve their property simply because they would be closer to the sidewalk than the neighboring houses. It would be burdensome to have to move the house back 1 foot, 7 inches, and without the variance they would not be able to use their property for an otherwise permitted way.

Gentry confirms that the porch is only going to be six feet deep and there is no way of going narrower. Clark says they looked at the depth and six feet was the smallest they could go. Cherf confirms that this is going to be a raised wooden porch deck and asks Clark if they have considered a concrete slab because he believes that would be allowed without requiring a variance. Hanson says that it would be allowed unless there is a roof over the slab; in this case there will be a roof, so it would not be allowed.

Speak in Opposition:

None.

Gentry: I make a motion that we approve it. For the unnecessary hardship, I don't think he's asking for that much with extra square feet, a roof is necessary in Wisconsin and it is not even a four-season room, it is only a porch. It would be an unnecessary hardship not to have it. The hardship due to unique property limitations is the way the house is situated too far forward on the lot.

Webb: There is no harm to the public interest as was stated by the City Inspection Department.

Secunder: Webb.

The motion to grant the variance failed by the following vote:

Yes: 3 - Cherf, Webb, Gentry

No: 2 - Kimmet, Deetz

[2658](#)

An appeal to allow a 6-foot tall, wooden privacy fence to be installed on a Commercial (C-2) property at 3514 Mormon Coulee Rd, La Crosse, Wisconsin.

Hanson, still sworn, states that the owner has applied for a fence permit to install a solid wood fence on a commercially zoned property. Municipal Code 115-398(d) states that fences are permitted on the property lines in all commercial zoning districts and shall be of an open type similar to woven wire, chain link or wrought iron fencing. She says that a variance to allow a wooden privacy fence would have to be granted to allow the project to proceed as proposed. She shows an aerial view of the property and

points out the areas where the fencing would be located on the property line behind the old Family Video building. She shows another aerial view depicting the property lines and she shows a picture of the type of fencing that has been proposed; 1 by 6 treated fence boards and 4 by 4 by 10 treated posts every 8 feet, with the finished side facing the motel.

Hanson says that there is no unnecessary hardship in this case; a permitted style fence would prohibit trespassing. There are no unique property limitations as this is a large commercial lot. She adds that this would harm public interest in that it may prohibit the ability of emergency personnel to view what is happening on the property. Based on this the variance should not be granted.

Speaking in Favor: None.

Speak in Opposition: None.

Webb: I will make a motion to deny based on the fact that it does not show any unique property limitations which is one of the items we have to comply with.

Second: Deetz.

The motion carried by the following vote:

Yes: 5 - Cherf, Webb, Gentry, Kimmet, Deetz

Adjournment

A motion was made by Gentry, seconded by Webb to adjourn at 4:35 p.m. The motion carried.