



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Agenda - Final Board of Zoning Appeals

Monday, June 19, 2023

4:00 PM

Council Chambers
City Hall, First Floor

The Board of Zoning Appeals meeting is open for in-person attendance and will also be conducted through video conferencing. The meeting can be viewed by visiting the Legislative Information Center (<https://cityoflacrosse.legistar.com/Calendar.aspx>) and clicking on the "In Progress" video link to the far right in the meeting list.

Call to Order

Roll Call

Notice is hereby given that the Board of Zoning Appeals will hear the following variance appeals in the Council Chambers on the first floor of City Hall, 400 La Crosse Street, at 4:00 p.m. on Monday, June 19, 2023:

- [2668](#) An appeal regarding the requirement to provide a 25 foot setback from the front property line at 2330 Mississippi St., La Crosse, Wisconsin.
Referred from May 2023 meeting.
- [2669](#) An appeal regarding the requirement that wall signs may be placed on no more than two separate walls of a building and signs must face a street or principal parking lot at 700 West Ave S, La Crosse, Wisconsin.
- [2670](#) An appeal regarding the regulation limiting residential accessory structures to a maximum of 35 percent of the rear yard square footage at 1521 Main St., La Crosse, Wisconsin.

Adjournment

Property owners affected by an appeal may appear either in person, by agent, or by attorney, and may express their written approval of or objection to the granting of the appeal by filing a letter in the office of the City Clerk, or in lieu thereof may, upon oath, testify thereto. Written comments are encouraged to be submit in writing prior to the meeting and should be submitted to craigs@cityoflacrosse.org, dropped in a drop box outside of City Hall, or mailed to the City Clerk, 400 La Crosse Street, La Crosse WI 54601. Questions, call 608-789-7510.

*Dated this 6th day of June, 2023
Board of Zoning Appeals
Nikki Elsen, Secretary*

Notice is further given that members of other governmental bodies may be present at the above scheduled meeting to gather information about a subject over which they have decision-making responsibility.

NOTICE TO PERSONS WITH A DISABILITY

Requests from persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (608) 789-7510 or send an email to ADAcityclerk@cityoflacrosse.org, with as much advance notice as possible.

Board of Zoning Appeals Members:

James Cherf, Douglas Farmer, Anastasia Gentry, Ryan Haug, William Raven, First Alternate (vacant),
Second Alternate (vacant)



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Text File

File Number: 2668

Agenda Date: 6/19/2023

Version: 1

Status: Referred

In Control: Board of Zoning Appeals

File Type: BOZA - Request for
Variance

Agenda Number:

Board of Zoning Appeals Variance Application

(To be completed by City Clerk or Zoning Staff)

City of La Crosse, Wisconsin

Application No.: 2668
Date Filed: 5/1/2023
Application Complete: Yes P No _____

Filing Fee: 300.00
Date Paid: 5/1/2023
Reviewed By: HT (Initial)

(To be completed by the applicant)

Application Deadline: 5:00 p.m. the first Monday of every month.

Building Permit Application Deadline: 10 Calendar Days prior to the first Monday of every month for the City of La Crosse Fire Department – Division of Community Risk Management to provide review. Any building permit submitted after this deadline must wait until the following month's Board of Zoning Appeals meeting.

	Owner / Agent	Contractor
Name	James and Sylvia Trowbridge	Steiger Construction
Address	2330 Mississippi St., La Crosse, WI 54601	2812 28th St. S. La Crosse, WI 54601
Phone	608-769-4932	608-788-4233
Legal Description:	S.W. Anderson Third Addn. w 4ft of N 115ft Lot 1 N 115ft Lot 2 Block 6 Lot size 44 x 115, City of La Crosse, Wis.	
Tax Parcel Number:	017030163040	
Lot Dimensions and Area:	44 x 115 feet = 5060 sq. ft.	
Zoning District:	R-1	

A variance is a relaxation of a standard in a land use ordinance. The Board of Zoning Appeals decides variances. The Board is a quasi-judicial body because it functions like a court. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. The burden of proof falls on the variance applicant.

Process:

At the time of application, you will be asked to:

- **Complete an application** form and timely submit it with a non-refundable fee as required in La Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.
- **Provide detailed plans** describing your lot and project (location, dimensions, and materials);
- **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three-Step Test below); and
- **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

Following these steps, the City of La Crosse Fire Department – Division of Community Risk Management must approve the application as to form and completeness and then the application and fee must be submitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board **must** deny your request for a variance and your fee will be forfeited.

Part A: General Information and Alternatives Analysis.

(To be completed by the applicant).

1. General Information.

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

(a) Current use and improvements.

A garage that is currently being used for storage, because it's not big enough to park a car in.

(b) Proposed Use.

Would like the garage enlarged enough to fit a single car in.

(c) Description and date of any prior petition for variance, appeal, or special exception.

NONE

(d) Description and location of all nonconforming structures and uses on the property.

Location: 2330 Mississippi St;
LaCrosse, WI 54601

Attached garage that is not usable for a car.

✓(e) Ordinance standard from which variance is being sought (include code citation).

115-142(c)(1)

(f) Describe the variance requested.

Extend the length and width of current garage be 6 feet. in length.

(g) Specify the reason for the request.

Current garage is too small to fit a single current sized car in.

(h) Describe the effects on the **property** if the variance is not granted.

The garage will not be usable for what it was intended for.

2. Alternatives.

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

- **Alternatives you considered that comply with existing standards.** If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons why you rejected them.

We need a permit to lengthen and widen the garage to make it usable for a car. If denied, we still need a permit to widen the garage, but it would then not be usable what it was intended for. We're planning to reside the garage and house, and the garage needs to be replaced because of its current condition.

- **Alternatives you considered that require a lesser variance.** If you reject such alternatives, provide the reasons why you rejected them.

The alternative would be to just widen the garage. The problem with that, is then the garage would still not be usable for a car

Part B: Three-Step Test.

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

1. **Unique Property Limitation.** *(To be completed by the applicant).*

Unique physical characteristics of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances or desires of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

You will be asked whether there exist any unique physical characteristics to your property that prevent compliance with the ordinance. You will be asked to show where these unique physical characteristics are located on your property by showing the boundaries of these features on a site map. If there is not a unique property limitation, a variance cannot be granted.

Do unique physical characteristics of your property prevent compliance with the ordinance?

Yes. Where are they located on your property? In addition, please show the boundaries of these features on the site map that you used to describe alternatives you considered.

We are limited by the size of our lot. We have no alley entrance to our lot, unlike most residents on our block. So our garage is useless for the storage of a car.

No. A variance cannot be granted.

2. No Harm to Public Interest.

A variance may not be granted which results in harm to public interests or undermines the purpose(s) of the ordinance. In applying this test, the Zoning Board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community, and the general public. These interests may be listed as objectives in the purpose statement of an ordinance and may include:

- *Public health, safety, and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures, and lots*
- *Any other public interest issue*

(a) Ordinance Purpose. (To be completed by zoning staff).

The Zoning Board must consider the purpose and intent of zoning codes when considering a variance request. As promulgated by the City of La Crosse Common Council, the purpose and intent of the La Crosse Zoning Code include, but is not limited to, the following:

§ 8-86	§ 101-58	§ 109-6
§ 115-3	§ 115-140	§ 115-141
§ 115-148	§ 115-156	§ 115-158
§ 115-211	§ 115-319	§ 115-437
§ 115-510	§ 115-548	§ 115-594

The failure of any particular city official to identify additional purpose and intent information on the application does not preclude the city official from raising the issue at the public hearing on the requested variance.

(b) Purpose(s) of Standard from which Variance is Requested. *(To be completed by zoning staff).*

The City of La Crosse Building Inspector, Code Enforcement Officer and any other officials may be aware of other reasons a particular ordinance standard is required. The city official(s) may list those reasons on this application. The failure of any particular city official to identify additional purpose information on this application does not preclude the city official from raising the issue at the public hearing on the requested variance.

None

(c) Analysis of Impacts. *(To be completed by applicant).*

Discuss impacts (e.g. increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For each impact, describe potential mitigation measures and the extent to which they reduce the impacts (i.e. completely, somewhat, or marginally). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term, and cumulatively.

Short-term impacts are those that occur through the completion of construction. Long-term impacts are those that occur after construction is completed. Cumulative impacts are those that would occur if a similar variance requested were granted for many properties. After completing the impact analysis, you will be asked to give your opinion whether granting the variance will harm the public interest.

(1) Short-term Impacts (through the completion of construction):

- Impact:
Mitigation measure(s):
Extent to which mitigation reduces project impact:

NONE

- Impact:
Mitigation measure(s):
Extent to which mitigation reduces project impact:

NONE

(2) **Long-term Impacts** (after construction is completed):

- Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

Our Property will be enhanced by the addition of the new garage

- Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

(3) **Cumulative Impacts** (what would happen if a similar variance request was granted for many properties?):

- Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

To our knowledge, there should be no problems. If anything, there should be improvements to the community

- Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

Will granting the variance harm the public interest?

- Yes.** A variance cannot be granted.
- No.** Mitigation measures described above will be implemented to protect the public interest.

3. Unnecessary Hardship. *(To be completed by the applicant).*

The unique property limitation must create the unnecessary hardship. An applicant may not claim unnecessary hardship because of conditions that are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

✓ An **area variance** is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance with the strict letter of the area restrictions would unreasonably prevent the owner from using the property for a permitted purpose (i.e. leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term, and cumulative effects of the variance on the neighborhood, the community, and on the public interests. This standard reflects the Wisconsin Supreme Court decisions in *State v. Waushara County Bd. Of Adjustment*, 2004 WI 56; and *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

A **use variance** is a relaxation of the zoning regulation on how the property is fundamentally used. A use variance allows property to be utilized in a manner not permitted by zoning regulations (i.e. an appropriate adaptive re-use of a school or church in a residential district). Unnecessary hardship exists only if the property owners show that they would have no reasonable or viable use of the property without the variance. Though not specifically restricted by statute or case law, a use variance is very rare because of the drastic effects it has on the neighborhood, the community, and the public interests. The Zoning Board must consider whether the owner has no reasonable return if the property is only used for the purpose allowed in zoning regulation, whether the plight of the owner is due to unique circumstances and not merely general conditions in the neighborhood, and whether the use sought to be authorized will alter the nature of the locality. See generally *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

Are you applying for an area variance or a use variance?

Area variance

Use variance

Is unnecessary hardship present?

Yes. Describe.

The unnecessary hardship is caused by the size of the garage. It is not large enough to accommodate a car. It has not been used to store a car the 22yrs I've owned the house

No. A variance cannot be granted.

Part C: Additional Materials / Exhibits.

In order for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than 1"=50', and other exhibits must show the following:

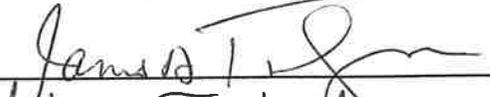
- Location of requested variance
- Property lines
- Ordinary high-water mark
- Flood plain and wetland boundaries
- Dimensions, locations, and setbacks of existing and proposed structures
- Utilities, roadways, driveways, off-street parking areas, and easements
- Existing highway access restrictions and existing proposed street, side and rear yards
- Location and type of erosion control measures
- Vegetation removal proposed
- Contour lines (2 ft. interval)
- Well and sanitary system
- Location and extent of filling/grading
- Any other construction related to your request
- Anticipated project start date
- Sign locations, dimensions, and other specifications
- Alternatives considered
- Location of unique property limitation
- Lot corners, lines, and footprints have been staked out
- Abutting street names and alleys
- Abutting property and land within 20 feet
- Indication of the direction "North"

Part D: Authorization to Examine

You **must complete and sign** the authorization for the City of La Crosse Board of Zoning Appeals and the Planning and Development Department to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 2330 Mississippi St., La Crosse, WI 54601
(Address where variance is sought)

Date: 5/1/23 Signature of Owner: 
5/1/23 Sylvia Trumbidge

Part E: Certification.

You **must sign your application**, certifying that it and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered. You also must get the application notarized by a certified notary.

Submit completed application to: Board of Zoning Appeals
400 La Crosse St.
Clerk's Office- 2nd Floor
La Crosse, Wisconsin 54601

Submit complete copy to: Chief Inspector
400 La Crosse St.
City of La Crosse Fire Department –
Division
of Community Risk Management
La Crosse, Wisconsin 54601

By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything in this application that my application will be denied and any variance granted thereunder may be revoked.

Signed: (Applicant or Agent) James Trowbridge

Sylvia Trowbridge

Date: 5/1/2023

Signed: (Owner, if different from applicant) _____

Date: _____

THE APPLICANT OR AGENT

THE OWNER

By: _____

STATE OF WISCONSIN)

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

COUNTY OF LA CROSSE)

Personally came before me this 1 day of May, 2023, the above named James Trowbridge to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Personally came before me this 1 day of May, 2023, the above named Sylvia Trowbridge to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Jenny Smith
Notary Public, La Crosse County, WI
My commission expires: 4-26-26

Jenny Smith
Notary Public, La Crosse County, WI
My commission expires: 4-26-26



side walk

2326

25'

2330

25'

18'
Proposed New
set Back

804
Losey

25'

Chimney
22'8"

Mississippi St



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>



5/1/23

James and Sylvia Trowbridge
2330 Mississippi St.
La Crosse, WI 54601

RE: An appeal regarding the requirement to provide a 25' set back from the front property line at 2330 Mississippi St., La Crosse, Wisconsin.

Dear James & Sylvia Trowbridge,

We have received the permit application to construct an attached garage 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.

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

Sec. 115-142. - 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

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 6' to the required 25' front yard set for this project to proceed as proposed.

Sincerely,

Eddie Young
Building Inspector

2330 MISSISSIPPI ST LA CROSSE

Parcel:	17-30163-40	Internal ID:	32522
Municipality:	City of La Crosse	Record Status:	Current



Parcel Information:

Parcel:	17-30163-40
Internal ID:	32522
Municipality:	City of La Crosse
Record Status:	Current
On Current Tax Roll:	Yes
Total Acreage:	0.116
Township:	15
Range:	07
Section:	04

- Parcel
- Taxes
- Outstanding Taxes
- Assessments
- Deeds
- Permits
- History

Legal Description:

S W ANDERSONS THIRD ADDN W 4FT OF N 115FT LOT 1 & N 115FT LOT 2 BLOCK 6 LOT S2: 44 X 115

Property Addresses:

<u>Street Address</u>	<u>City/Postal</u>
2330 MISSISSIPPI 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>
JAMES A TROWBRIDGE	Owner	2330 MISSISSIPPI ST	LA CROSSE	WI	54601-5106
SYLVIA TROWBRIDGE	Owner	2330 MISSISSIPPI ST	LA CROSSE	WI	54601-5106

Districts:

<u>Code</u>	<u>Description</u>	<u>Taxation District</u>
2849	LA CROSSE SCHOOL	Y
3	Book 3	N

Additional Information

<u>Category</u>	<u>Description</u>
2020+ VOTING SUPERVISOR	2020+ Supervisor District 7
2020+ VOTING WARDS	2020+ Ward 18
Use	1 UNIT

Lottery Tax Information

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.

Tax Parcel	OwnerName	Property Address	Mailing Address	MailCityStateZip
17-30157-30	BRUCE & NANCY MOUSER	2323 MISSISSIPPI ST	2323 MISSISSIPPI ST	LA CROSSE WI 54601-5128
17-30157-40	JOSEPH E MILLER	2325 MISSISSIPPI ST	2325 MISSISSIPPI ST	LA CROSSE WI 54601
17-30157-50	ELIZABETH J MOEN	2331 MISSISSIPPI ST	2331 MISSISSIPPI ST	LA CROSSE WI 54601-5128
17-30163-20	RYAN M TRACY	804 LOSEY BLVD S	804 LOSEY BLVD S	LA CROSSE WI 54601-5104
17-30163-30	JEFFREY CHAMBERS	814 LOSEY BLVD S	814 LOSEY BLVD S	LA CROSSE WI 54601-5104
17-30163-50	AMANADA POTTS	2326 MISSISSIPPI ST	5448 THUNDER HILL RD	COLUMBIA MD 21045
17-30163-50	BRYON & KRISTA POTTS	2326 MISSISSIPPI ST	2326 MISSISSIPPI ST	LA CROSSE WI 54601
17-30163-60	PAMELA S CULVER	2324 MISSISSIPPI ST	2324 MISSISSIPPI ST	LA CROSSE WI 54601-5106
17-30163-70	DANIEL J ELSEN	2318 MISSISSIPPI ST	2318 MISSISSIPPI ST	LA CROSSE WI 54601-5106
	RONALD Q KROGMAN JOINT TRUST			
17-30164-40	SUSAN P KROGMAN JOINT TRUST	2321 JACKSON ST	2321 JACKSON ST	LA CROSSE WI 54601
17-30164-50	JAMES F KEIL	2327 JACKSON ST	2327 JACKSON ST	LA CROSSE WI 54601-5965
17-30164-60	BIRNA M KRISTINSDOTTIR	822 LOSEY BLVD S	822 LOSEY BLVD S	LA CROSSE WI 54601-5104

Properties within 100 feet of 2330 MISSISSIPPI ST

Property Owner	JAMES & SYLVIA TROWBRIDGE	2330 MISSISSIPPI ST	2330 MISSISSIPPI ST	LA CROSSE WI 54601-5106
Contractor	STEIGER CONSTRUCTION		2812 28TH ST S	LA CROSSE WI 54601



★ = Subject Parcel, 2330 Mississippi Street

Board of Zoning Appeals

MAY 22ND, 2023

4:00 PM

Requirements for granting a variance

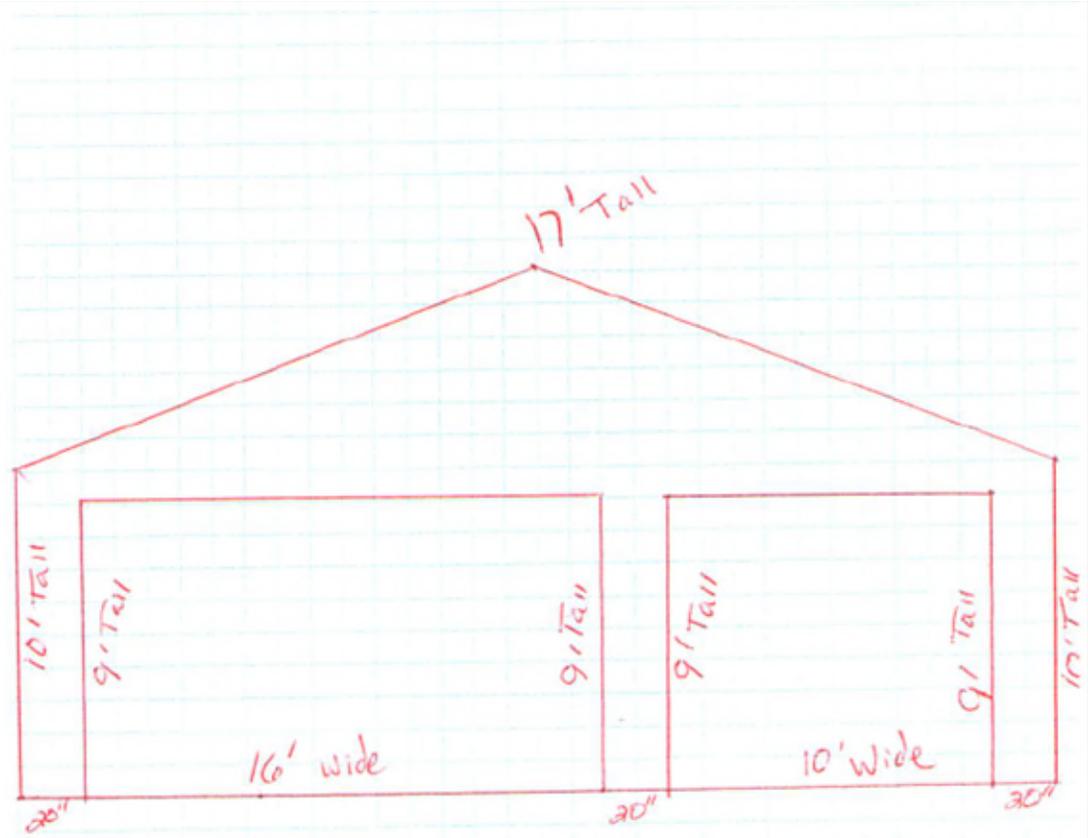
- Unnecessary Hardship
- Hardship Due to Unique Property Limitations
- No Harm to Public Interests

2206 15th PL. S.

- The applicant has applied for a permit to construct a new detached accessory structure.
- Municipal code 115-390(1)(d)1, Height and Area requirements.
- The overall maximum vertical distance of detached residential accessory buildings, excluding carriage house accessory structures, shall not exceed 17 feet from the lowest floor elevation to the highest point of the structure with the overall wall height not to exceed ten feet and **the main garage doors not exceeding eight feet in height from the lowest floor elevation**. Detached garage roofs shall be framed to a pitch of not less than a four and 12 cut.

2206 15th Pl. S.

- The applicant proposes a garage door height of 9 feet.
- A variance of 1 foot to the garage door height would need to be granted for this project to proceed as proposed.



Alley 2206 15th pl S.
DEXTER MALIN



La Crosse, Wisconsin

[View on Google Maps](#)



2330 Mississippi St.

➤ The applicant has applied for a permit to construct a new attached garage at this address.

➤ Municipal code 115-142(c)(1) *Area regulations.*

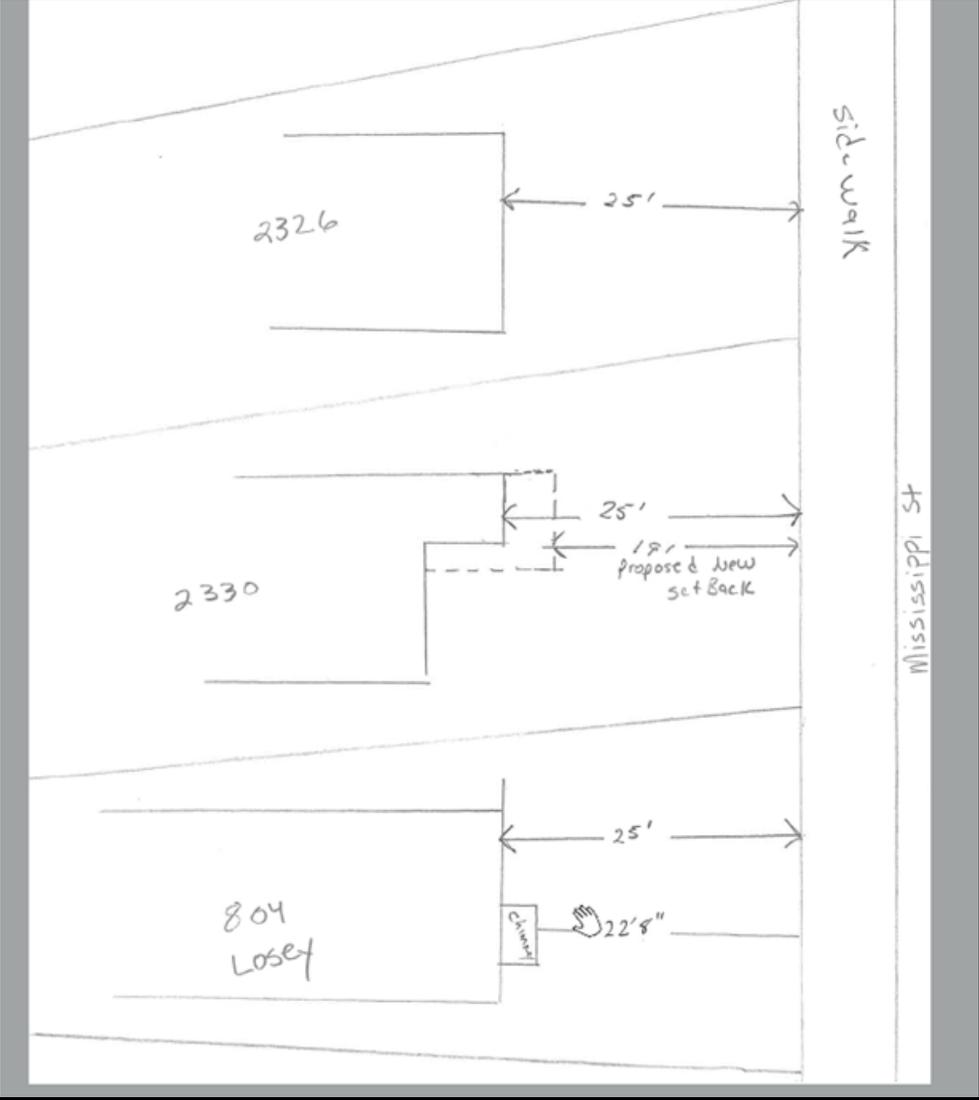
Front yard, side yard and rear yard. Front yard, side yard and rear yard regulations applicable in the Residence District shall apply to the Single Family Residence District.

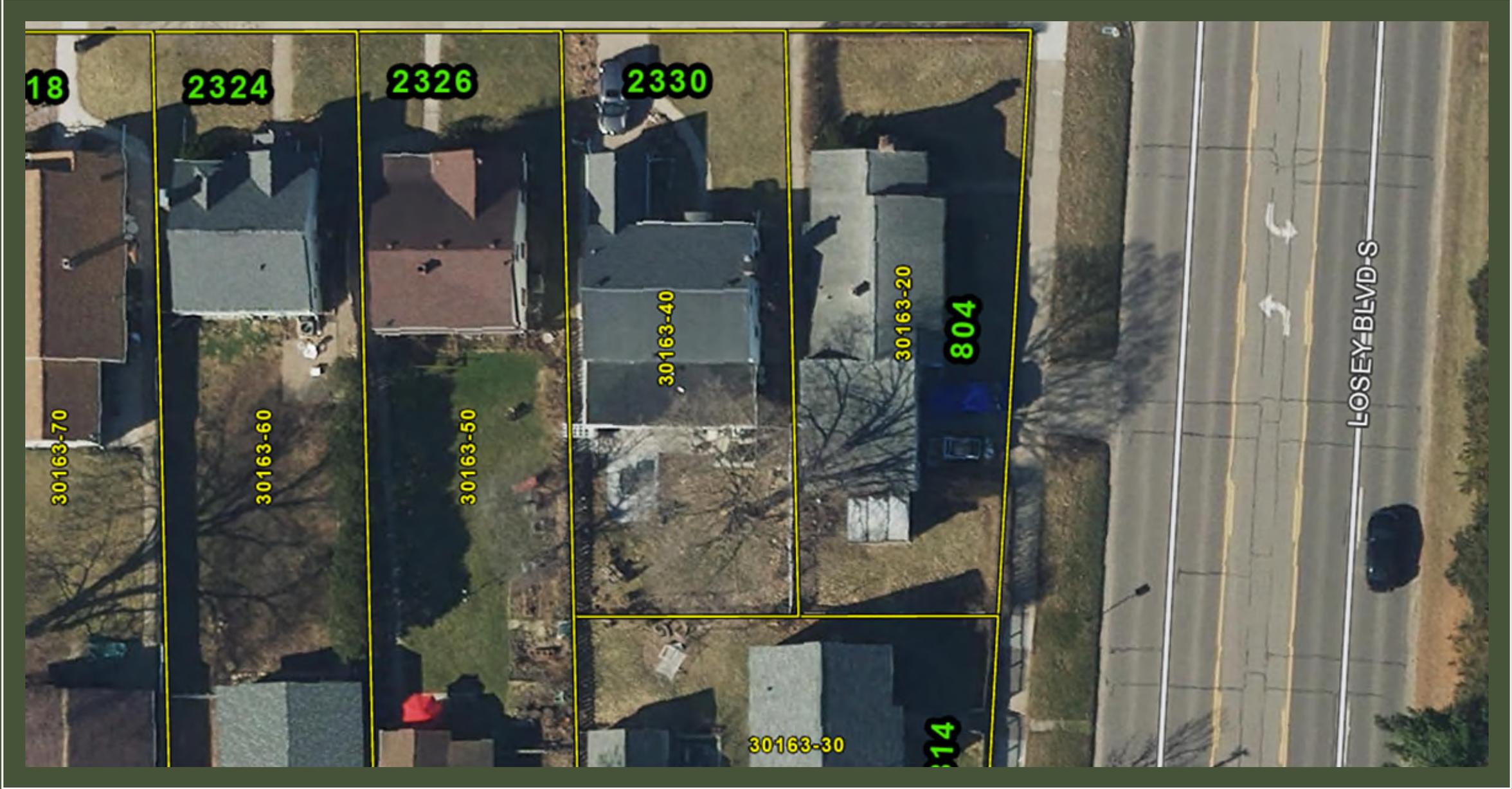
➤ Municipal code 115-143 (c) (2) *Front yards.*

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.

2330 Mississippi St.

- The required front yard setback for this property is 25 feet
- The owner proposes a front yard setback of 19 feet.
- A variance of 6 feet to the required 25 foot setback will be needed for this project to proceed as proposed.







Board of Zoning Appeals

- This presentation shall be added to the minutes of this meeting.

Jim & Sylvia Trowbridge

2330 Mississippi Street

La Crosse, WI

June 3, 2023

Sylvia and I would like to thank you for allowing us to appear before you a second time. We realize this doesn't happen often.

As you may remember, we're requesting to build a new garage that would extend an additional four to six feet toward the boulevard. The current garage is not capable of fitting a car in it. Adding the additional footage would allow us to park one of our cars in the garage and hopefully have some room for other things, such as a lawn mower, snowblower, etc.

The garage is part of a larger project that would include siding the house, replacing the front overhang with an open-faced porch, and turning our three-season porch on the south side of the house into a room that could be utilized year-round.

We have been planning this project for nearly five years, but it's been difficult to find one company capable of doing all these projects. We finally found a local company, Steiger Construction, who can and is willing to do all our projects.

We realize that we're one of the few residents on our block that has a garage on the front of the house. It also appears that the City doesn't find garages on the front of homes to be appealing. That said, we view our current garage and home to be an eyesore, very unappealing. There is probably only one other home on our block that is less appealing than ours.

We will be approaching our neighbors for feedback on our plans between now and June 19. We will attempt to speak to as many of them as possible.

We also scanned several blocks around our neighborhood and kept an open eye wherever we've driven for car ports. We have seen very few car ports in our travels, and must say respectfully, have not found them to be appealing.

We realize that you are concerned about the potential for our garage, should you approve our request, to serve as a precedence in future requests in front of you by others. That may be the case, but we believe that the remodeling of our home, to include the garage, would increase the appeal of our home by 100 percent and the neighborhood as well.

Regardless of the outcome this afternoon, a garage is going to be built. We just hope to be able to fit a car in it.

Respectfully,

Sylvia and Jim Trowbridge

Please view drawings 1-3 of garage,
home & neighbor signatures.

Jim & Sylvia Trowbridge

2330 Mississippi Street

La Crosse, WI

June 3, 2023

Would you be okay with us getting a variance from the City to remodel our garage and extend it four to six feet toward the boulevard? Do you believe our project would add appeal to the neighborhood or be detracting?

Yes -

Daniel Elsen

2318 Mississippi

James Wutke

2314 MISSISSIPPI ST.

Jeff Kohlmeier

2317 Mississippi St.

Ryan J

804 Losey Blvd S.

Brayden Potts

2326 Mississippi St.

2326 Mississippi St.

Vanessa Potts

2326 Mississippi

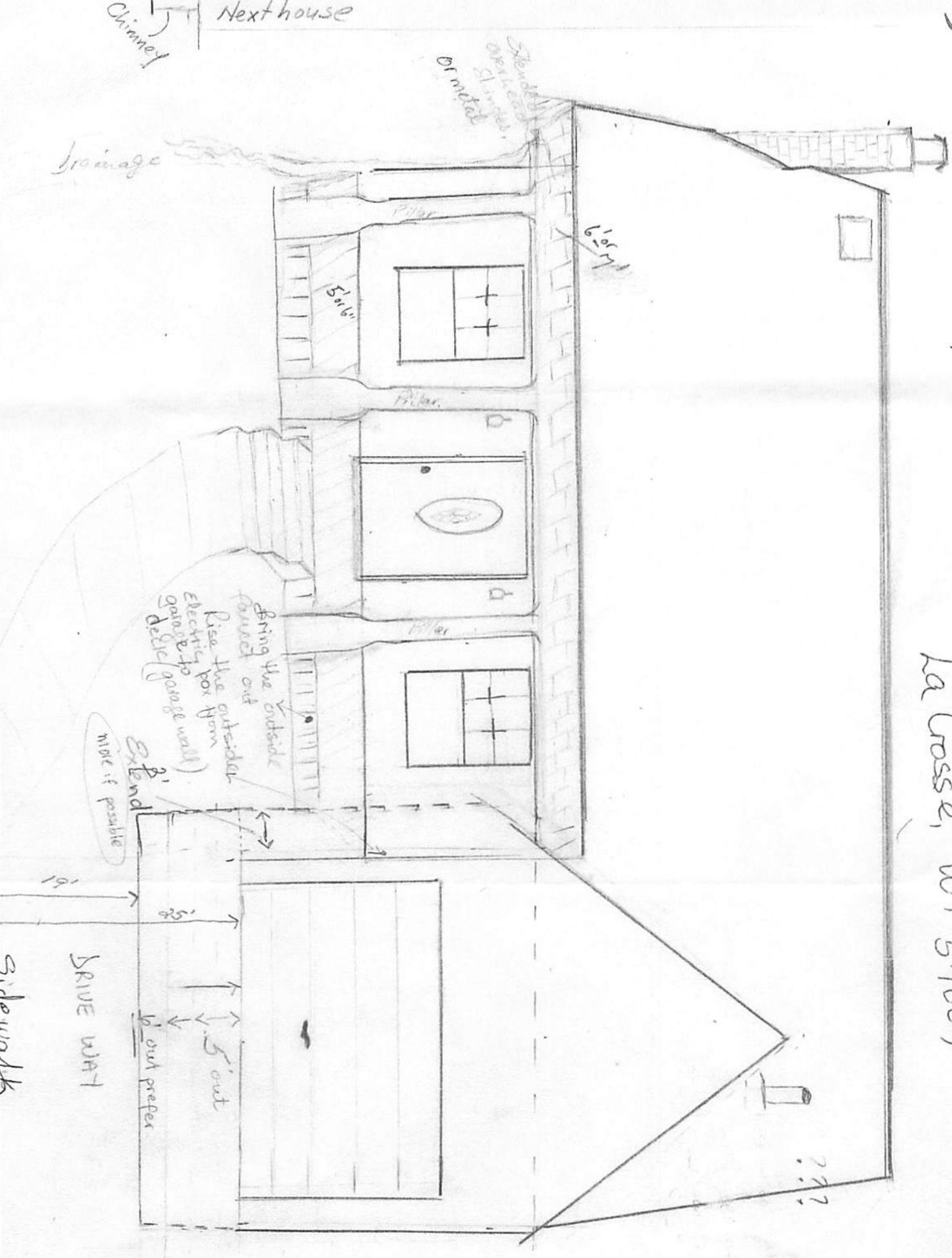
Candyn Miller

2310 Mississippi

Laney Mouser 2323 Mississippi St.

Drawing # 1

New Look - 2330 Mississippi St,
La Crosse, WI 54601



Chimney

Next house

Shedding
openings
Or metal

Drainage

5x6"

Pillar

Pillar

Pillar

Bring the outside
faced out
Rise the outside
Electric box from
garage to
detic garage wall)

Extend

more if possible

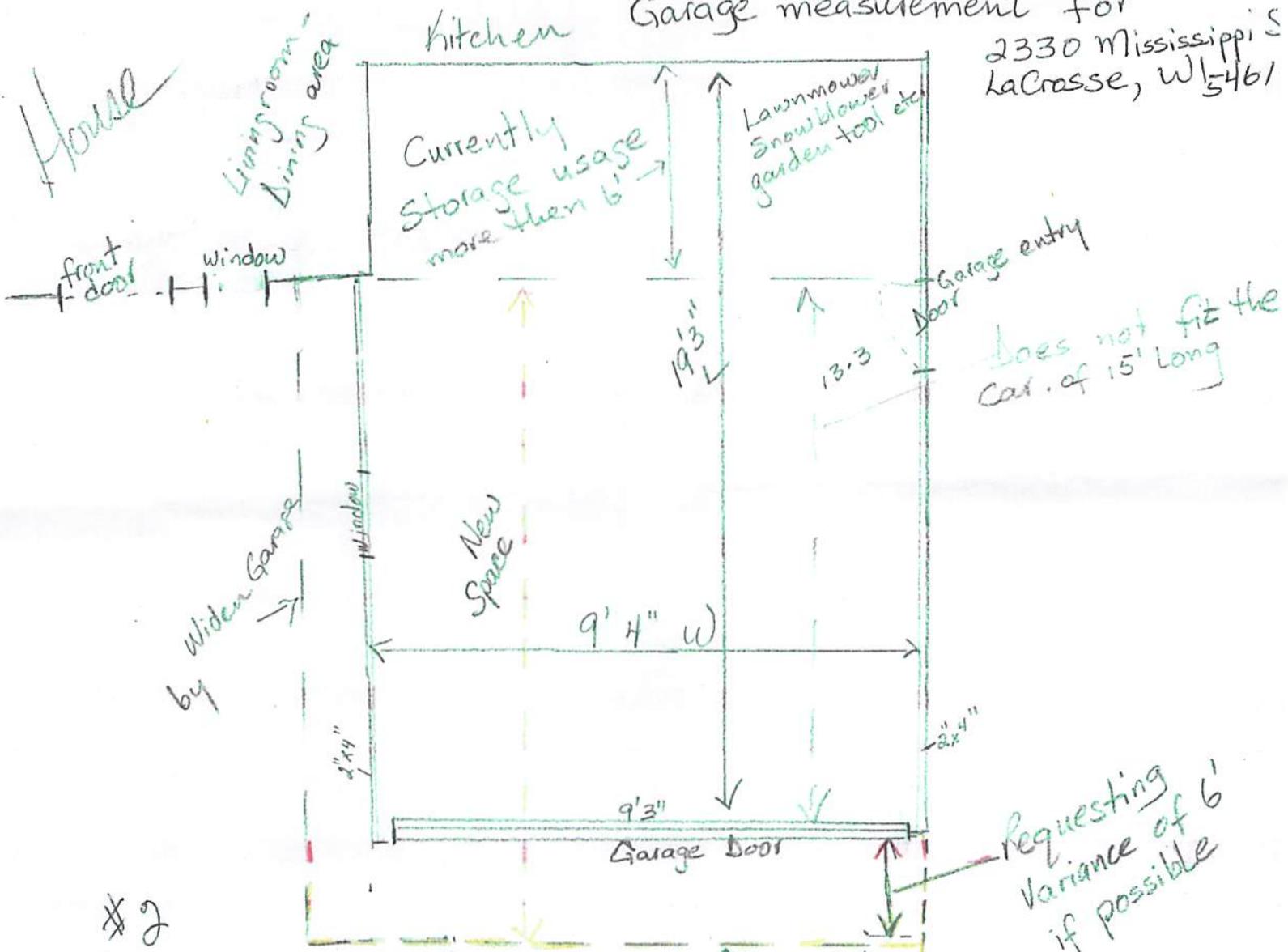
6' out prefer

5' out

DRIVE WAY

Side walk

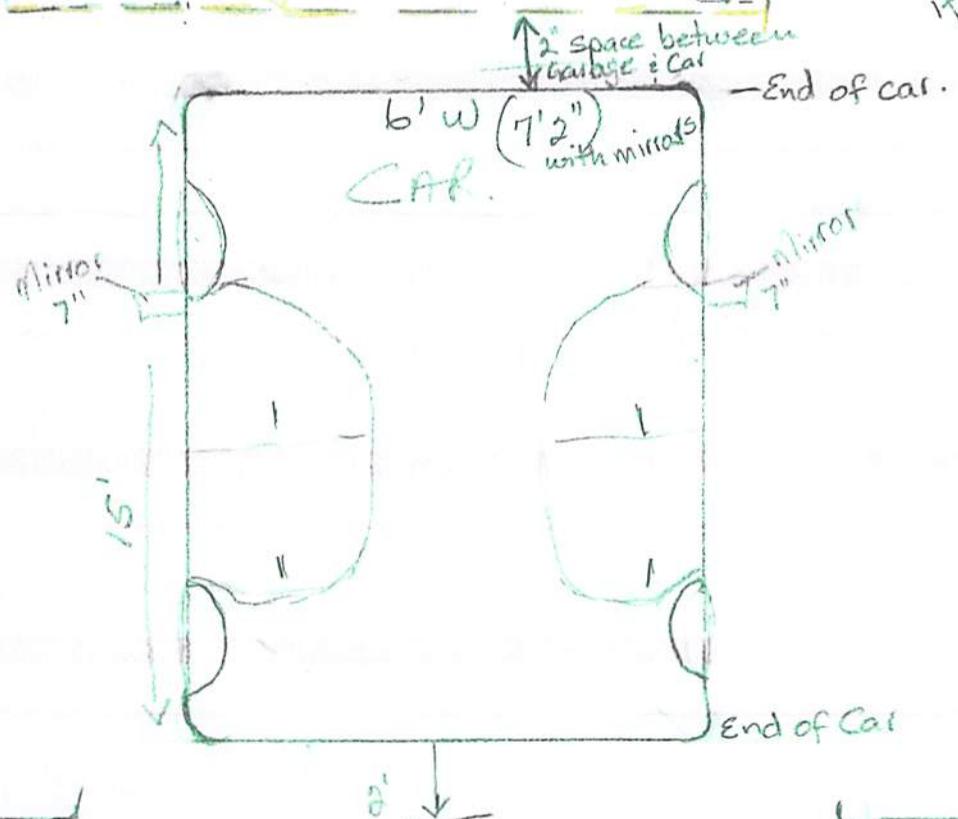
Garage measurement for
2330 Mississippi S
LaCrosse, WI 54601



Does not fit the
Car. of 15' Long

Requesting
Variance of 6'
if possible

Drawing #2
Garage



Sidewalk



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Text File

File Number: 2669

Agenda Date: 6/19/2023

Version: 1

Status: Agenda Ready

In Control: Board of Zoning Appeals

File Type: BOZA - Request for Variance

Board of Zoning Appeals Variance Application

(To be completed by City Clerk or Zoning Staff)

City of La Crosse, Wisconsin

Application No.: 2669 Filing Fee: \$ 300.00
 Date Filed: 5/19/2023 Date Paid: 5/30/2023
 Application Complete: Yes No Reviewed By ET (Initial)

(To be completed by the applicant)

Application Deadline: 5:00 p.m. the first Monday of every month.

Building Permit Application Deadline: 10 Calendar Days prior to the first Monday of every month for the City of La Crosse Fire Department – Division of Community Risk Management to provide review. Any building permit submitted after this deadline must wait until the following month's Board of Zoning Appeals meeting.

	Owner / Agent	Contractor
Name	Mayo Clinic Health System	La Crosse Sign Group - Carlee Strong
Address	700 West Avenue S, La Crosse, WI	1450 Oak Forest Drive, Onalaska, WI 546
Phone	608-392-2814	608-781-1450

Legal Description: ESPERSON & BURNS ADDITION LOTS 1, 2, City of La Crosse, Wis.

Tax Parcel Number: 17-30057-60

Lot Dimensions and Area: 350 x 650 feet. = 227,500 sq. ft.

Zoning District: _____

A variance is a relaxation of a standard in a land use ordinance. The Board of Zoning Appeals decides variances. The Board is a quasi-judicial body because it functions like a court. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. The burden of proof falls on the variance applicant.

Process:

At the time of application, you will be asked to:

- **Complete an application** form and timely submit it with a non-refundable fee as required in La Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.
- **Provide detailed plans** describing your lot and project (location, dimensions, and materials);
- **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three-Step Test below); and
- **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

Following these steps, the City of La Crosse Fire Department – Division of Community Risk Management must approve the application as to form and completeness and then the application and fee must be submitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board **must** deny your request for a variance and your fee will be forfeited.

Part A: General Information and Alternatives Analysis.

(To be completed by the applicant).

1. General Information.

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

(a) Current use and improvements.

Current use of property is a hospital, medical facility. They are relocating to a new hospital tower.

(b) Proposed Use.

Proposed use is a hospital/medical facility.

(c) Description and date of any prior petition for variance, appeal, or special exception.

N/A

(d) Description and location of all nonconforming structures and uses on the property.

N/A

(e) Ordinance standard from which variance is being sought (include code citation).

Sec. 111-94. - Wall signs.

Wall signs may be placed on no more than two separate walls of a building. Such signs may be placed only on walls facing a public street or the principal off-street parking area serving the building.

(Code 1980, § 20.25(H)(16); Ord. No. 5049 , § II, 4-12-2018)

(f) Describe the variance requested.

Mayo Clinic is requesting a sign to be erected on the west end of the addition, facing (parking) Lot 3. This is the primary parking lot for visitors and patients, but not considered principal off-street parking area as it is located on a separate parcel. This would also be the third wall of signage, after including the sign being installed on the south end, which is permissible.

(g) Specify the reason for the request.

Provide necessary visibility and identification of new hospital to patients, visitors, medical personnel.

(h) Describe the effects on the property if the variance is not granted.

New addition to hospital will not be identifiable from the west side. Patients, visitors, any emergency responders, will not be able to identify the building efficiently, in potential medical emergency situations.

2. Alternatives.

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

- **Alternatives you considered that comply with existing standards.** If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons why you rejected them.

Moving new signage to the east side of the addition. We reject this alternative as this side of the building already has a sign, and is already identifiable from this direction.

- **Alternatives you considered that require a lesser variance.** If you reject such alternatives, provide the reasons why you rejected them.

This is the lesser variance option is requested.

Part B: Three-Step Test.

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

1. Unique Property Limitation. *(To be completed by the applicant).*

Unique physical characteristics of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances or desires of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

You will be asked whether there exist any unique physical characteristics to your property that prevent compliance with the ordinance. You will be asked to show where these unique physical characteristics are located on your property by showing the boundaries of these features on a site map. If there is not a unique property limitation, a variance cannot be granted.

The failure of any particular city official to identify additional purpose and intent information on the application does not preclude the city official from raising the issue at the public hearing on the requested variance.

§ 115-510	§ 115-548	§ 115-594
§ 115-211	§ 115-319	§ 115-437
§ 115-148	§ 115-156	§ 115-158
§ 115-3	§ 115-140	§ 115-141
§ 8-86	§ 101-58	§ 109-6

The Zoning Board must consider the purpose and intent of zoning codes when considering a variance request. As promulgated by the City of La Crosse Common Council, the purpose and intent of the La Crosse Zoning Code include, but is not limited to, the following:

(a) Ordinance Purpose. (To be completed by zoning staff).

- Public health, safety, and welfare
- Water quality
- Fish and wildlife habitat
- Natural scenic beauty
- Minimization of property damages
- Provision of efficient public facilities and utilities
- Achievement of eventual compliance for nonconforming uses, structures, and lots
- Any other public interest issue

A variance may not be granted which results in harm to public interests or undermines the purpose(s) of the ordinance. In applying this test, the Zoning Board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community, and the general public. These interests may be listed as objectives in the purpose statement of an ordinance and may include:

2. No Harm to Public Interest.

No. A variance cannot be granted.

Yes. Where are they located on your property? In addition, please show the boundaries of these features on the site map that you used to describe alternatives you considered.

There is no principal off-street parking area in close proximity to this addition located on this parcel. The primary parking lot for visitors and patients is located across a street, on a separate parcel. This is the closest and most accessible parking area for patients and visitors, visiting this new hospital addition.

Do unique physical characteristics of your property prevent compliance with the ordinance?

(b) Purpose(s) of Standard from which Variance is Requested. *(To be completed by zoning staff).*

The City of La Crosse Building Inspector, Code Enforcement Officer and any other officials may be aware of other reasons a particular ordinance standard is required. The city official(s) may list those reasons on this application. The failure of any particular city official to identify additional purpose information on this application does not preclude the city official from raising the issue at the public hearing on the requested variance.

(c) Analysis of Impacts. *(To be completed by applicant).*

Discuss impacts (e.g. increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For each impact, describe potential mitigation measures and the extent to which they reduce the impacts (i.e. completely, somewhat, or marginally). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term, and cumulatively.

Short-term impacts are those that occur through the completion of construction. Long-term impacts are those that occur after construction is completed. Cumulative impacts are those that would occur if a similar variance requested were granted for many properties. After completing the impact analysis, you will be asked to give your opinion whether granting the variance will harm the public interest.

(1) Short-term Impacts (through the completion of construction):

- Impact: None
Mitigation measure(s):
Extent to which mitigation reduces project impact:

- Impact: None
Mitigation measure(s):
Extent to which mitigation reduces project impact:

(2) Long-term Impacts (after construction is completed):

- **Impact: None**
Mitigation measure(s):
Extent to which mitigation reduces project impact:

- **Impact: None**
Mitigation measure(s):
Extent to which mitigation reduces project impact:

(3) Cumulative Impacts (what would happen if a similar variance request was granted for many properties?):

- **Impact: None**
Mitigation measure(s):
Extent to which mitigation reduces project impact:

- **Impact: None**
Mitigation measure(s):
Extent to which mitigation reduces project impact:

Will granting the variance harm the public interest?

- Yes. A variance cannot be granted.
- No. Mitigation measures described above will be implemented to protect the public interest.

3. Unnecessary Hardship. (To be completed by the applicant).

The unique property limitation must create the unnecessary hardship. An applicant may not claim unnecessary hardship because of conditions that are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

An **area variance** is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance with the strict letter of the area restrictions would unreasonably prevent the owner from using the property for a permitted purpose (i.e. leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term, and cumulative effects of the variance on the neighborhood, the community, and on the public interests. This standard reflects the Wisconsin Supreme Court decisions in *State v. Waushara County Bd. Of Adjustment*, 2004 WI 56; and *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

A **use variance** is a relaxation of the zoning regulation on how the property is fundamentally used. A use variance allows property to be utilized in a manner not permitted by zoning regulations (i.e. an appropriate adaptive re-use of a school or church in a residential district). Unnecessary hardship exists only if the property owners show that they would have no reasonable or viable use of the property without the variance. Though not specifically restricted by statute or case law, a use variance is very rare because of the drastic effects it has on the neighborhood, the community, and the public interests. The Zoning Board must consider whether the owner has no reasonable return if the property is only used for the purpose allowed in zoning regulation, whether the plight of the owner is due to unique circumstances and not merely general conditions in the neighborhood, and whether the use sought to be authorized will alter the nature of the locality. See generally *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

Are you applying for an area variance or a use variance? **Area variance** **Use variance****Is unnecessary hardship present?** **Yes. Describe.**

There is no land area for a principal off-street parking area in close proximity to this addition, on the same parcel. This presents challenges for patients and visitors, who have to park in the lot across from this addition. Not allowing signage on side of the building prevents patients and visitors from easily identifying the medical facility.

 No. A variance cannot be granted.**Part C: Additional Materials / Exhibits.**

In order for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than 1"=50', and other exhibits must show the following:

- Location of requested variance
- Property lines
- Ordinary high-water mark
- Flood plain and wetland boundaries
- Dimensions, locations, and setbacks of existing and proposed structures
- Utilities, roadways, driveways, off-street parking areas, and easements
- Existing highway access restrictions and existing proposed street, side and rear yards
- Location and type of erosion control measures
- Vegetation removal proposed
- Contour lines (2 ft. interval)
- Well and sanitary system
- Location and extent of filling/grading
- Any other construction related to your request
- Anticipated project start date
- Sign locations, dimensions, and other specifications
- Alternatives considered
- Location of unique property limitation
- Lot corners, lines, and footprints have been staked out
- Abutting street names and alleys
- Abutting property and land within 20 feet
- Indication of the direction "North"

Part D: Authorization to Examine

You must complete and sign the authorization for the City of La Crosse Board of Zoning Appeals and the Planning and Development Department to examine the property of the variance request.

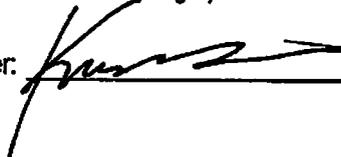
I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 700 West Ave South La Crosse, WI 54601

(Address where variance is sought)

Date: 05.09.23

Signature of Owner: _____



Part E: Certification.

You must sign your application, certifying that it and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered. You also must get the application notarized by a certified notary.

Submit completed application to:

Board of Zoning Appeals
400 La Crosse St.
Clerk's Office- 2nd Floor
La Crosse, Wisconsin 54601

Submit complete copy to:

Chief Inspector
400 La Crosse St.
City of La Crosse Fire Department -
Division
of Community Risk Management
La Crosse, Wisconsin 54601

By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything in this application that my application will be denied and any variance granted thereunder may be revoked.

Signed: (Applicant or Agent) [Signature]

Date: 5/11/23

Signed: (Owner, if different from applicant) [Signature]

Date: 5.9.23

THE APPLICANT OR AGENT

THE OWNER

By: _____

By: _____

STATE OF WISCONSIN)

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

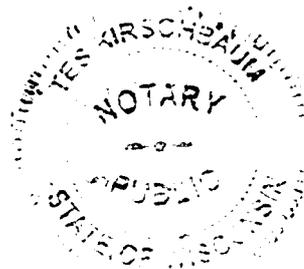
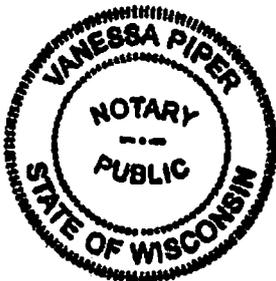
COUNTY OF LA CROSSE)

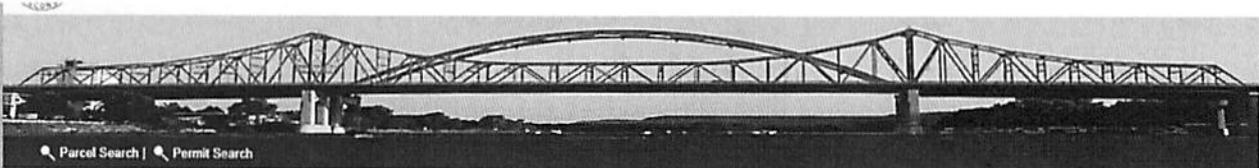
Personally came before me this 1 day of May, 2023 the above named Carlee Strong to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Personally came before me this 9 day of May, 2023 the above named Tes Kirschbaum to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

[Signature]
Notary Public, La Crosse County, WI
My commission expires: 10/9/2026

[Signature]
Notary Public, La Crosse County, WI
My commission expires: 4/25/2027





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

700 WEST AVE S LA CROSSE

Parcel:	17-30057-60	Internal ID:	74474
Municipality:	City of La Crosse	Record Status:	Current

Print View

Parcel Information:

Parcel:	17-30057-60
Internal ID:	74474
Municipality:	City of La Crosse
Record Status:	Current
On Current Tax Roll:	Yes
Total Acreage:	5.280
Township:	15
Range:	07
Section:	05

Legal Description:

ESPERSON & BURNS ADDITION LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 BLOCK 6 INCL VAC ALLEYS & STREETS EX 7FT WIDE STRIP ON N TAKEN FOR ST & LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 BLOCK 7 & INCL VAC ALLEYS & STREETS EX PRT TAKEN FOR R/W IN DOC NO. 148120 SUBJ TO ESMT IN DOC NO. 1788588 SUBJ TO & T/W RESTR IN DOC NO. 1791761 & DOC NO. 1791762

Property Addresses:

Street Address	City/Postal
700 WEST AVE S	LA CROSSE
800 WEST AVE S	LA CROSSE

Owners/Associations:

Name	Relation	Main Address	City	State	Zip Code
FRANCISCAN SKENP MEDICAL CENTER INC	Owner	700 WEST AVE S	LA CROSSE	WI	54601
C/D WADSWORTH RUDOLPH	In Care Of	700 WEST AVE S DEPT FACIL	LA CROSSE	WI	54601

Districts:

- Parcel
- Taxes
- Outstanding Taxes
- Assessments
- Deeds
- Permits
- History

May 1, 2023

City of La Crosse
400 La Crosse St
La Crosse, WI 54601

To whom it may concern,

Attached is a BOZA Application for our customer, Mayo Clinic Health Systems, located at 700 West Avenue South. Mayo Clinic is constructing an addition on to their building that has a current and proposed use as a hospital.

Mayo Clinic is requesting a variance to Municipal Code 111-94, regarding wall signs. We are requesting to install a sign on the west end of the new addition, which would face a parking lot that is not considered the principal off-street parking area, as it is located on a separate parcel. This sign would also make this wall the third wall of signage on the building. The request to install a sign on the west side of the building, allows for patients, visitors, and medical personnel, to identify the building efficiently, possibly in an emergency situation.

This property has a unique property limitation, of not having a principal off-street parking area in close proximity to this new addition. The closest primary parking lot used by visitors and patients is Lot 3, located on a separate parcel.

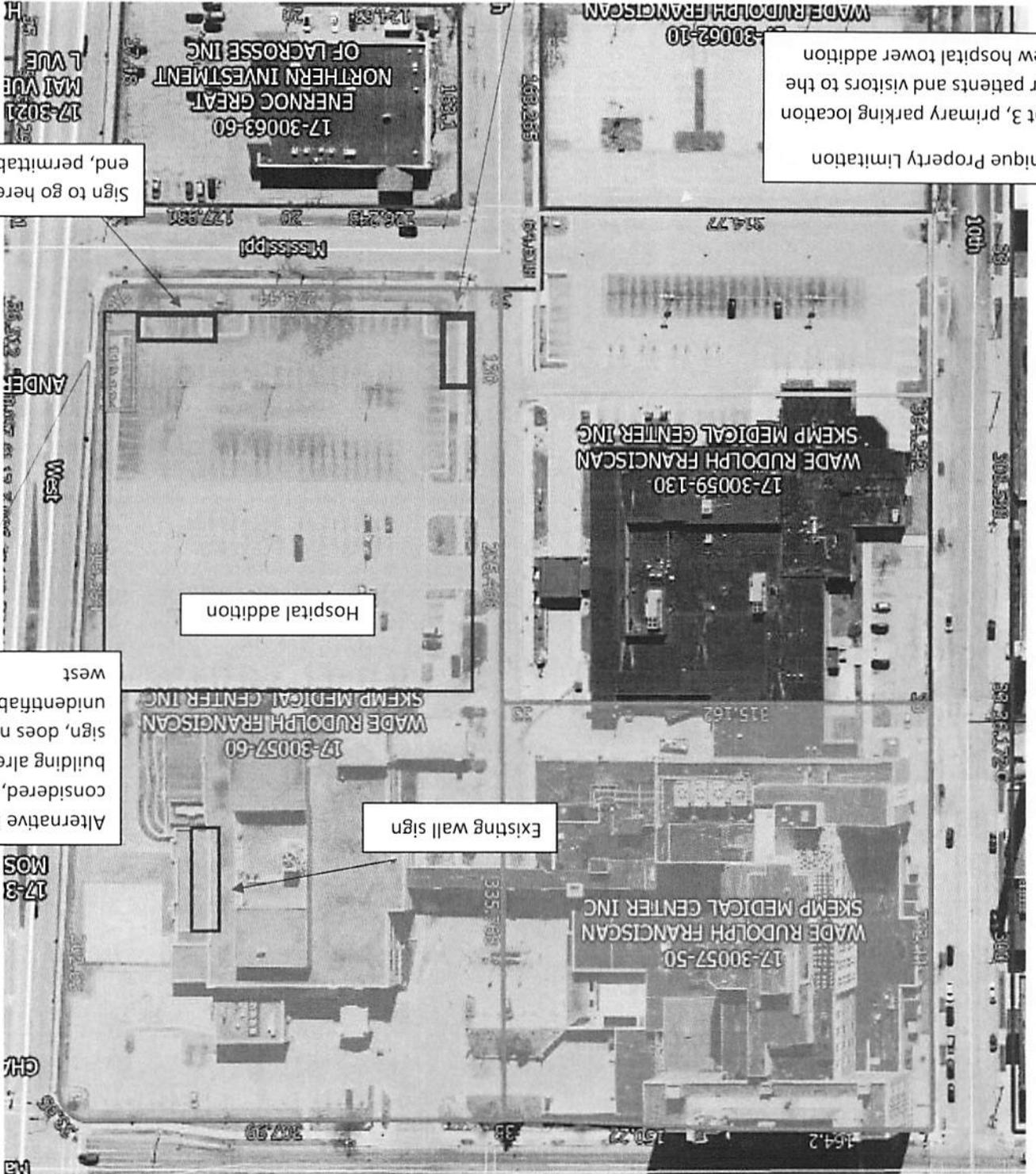
By granting this variance, there would be no harm to public interest, or other negative impacts that would require mitigation measures to be taken. Please consider the request of this variance is to allow a medical facility to be easily identified from necessary directions.

Sincerely,

Carlee Strong

La Crosse Sign Group
1450 Oak Forest Drive
Onalaska, WI 54650

WI. BUILDING CONTRACTOR REGISTRATION #1104371



Wall sign with requested variance to go here.
 Variance requested: would be the third wall of signage, would not face principal off-street parking

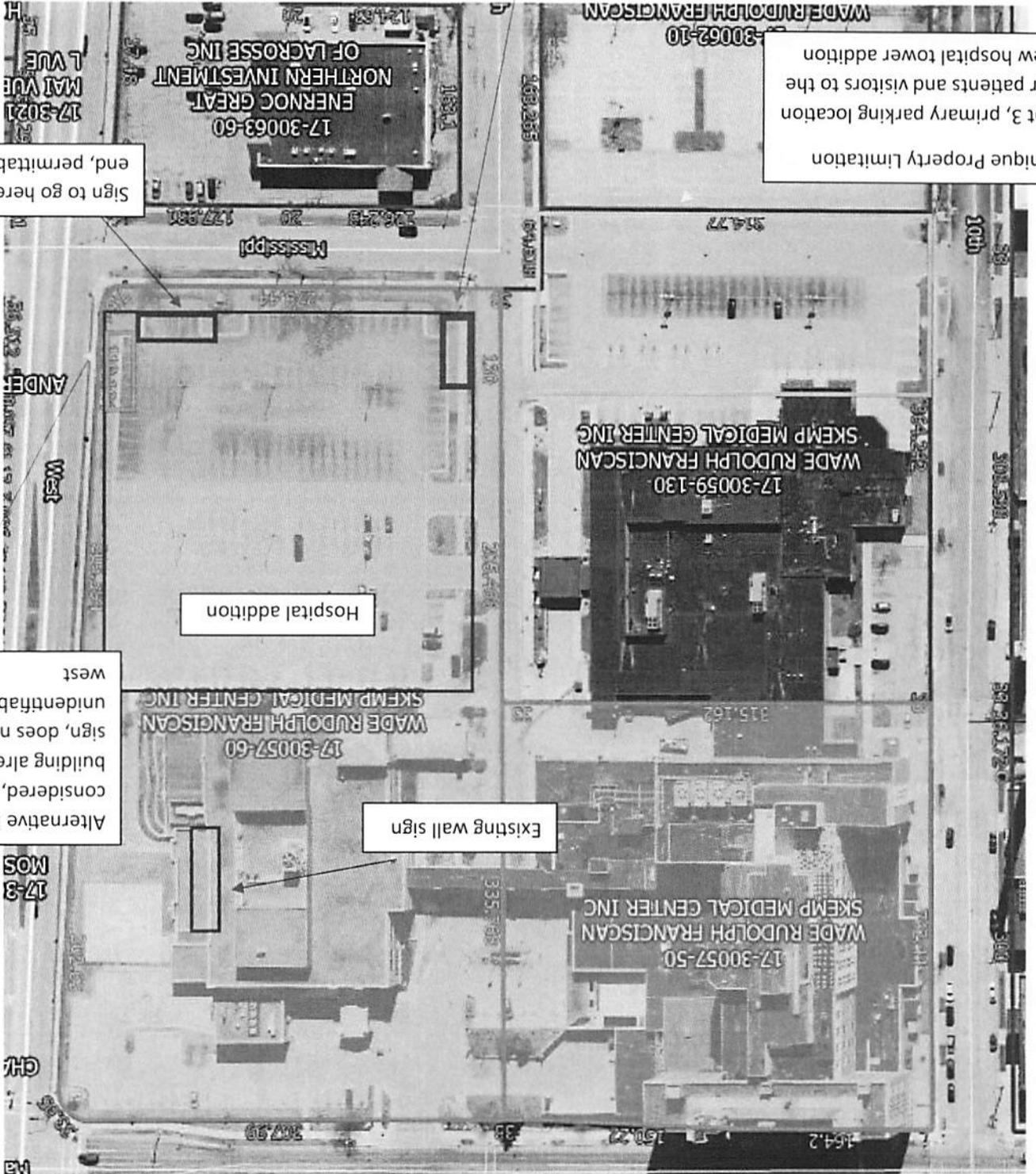
Unique Property Limitation
 Lot 3, primary parking location for patients and visitors to the new hospital tower addition

Sign to go here on south end, permissible

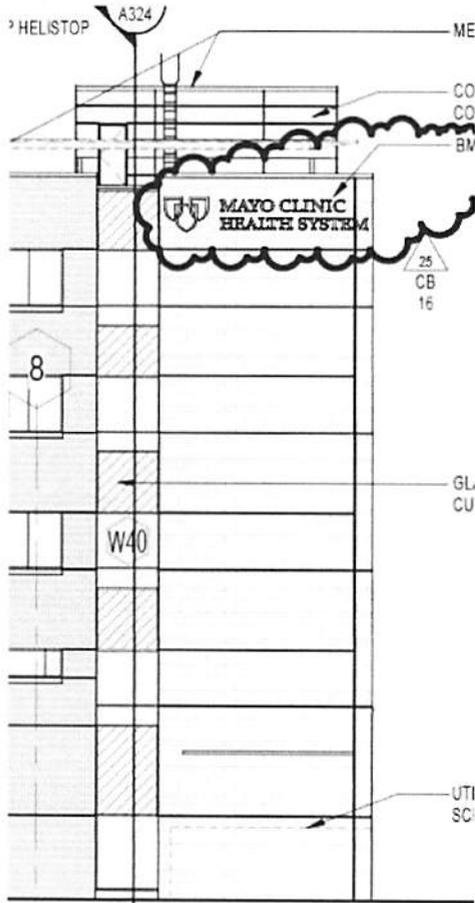
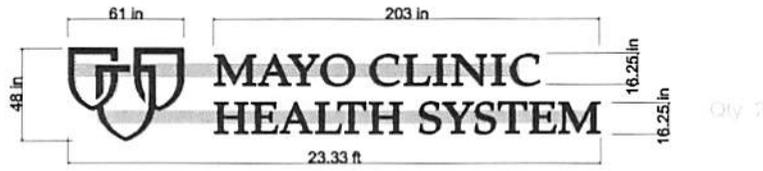
Hospital addition

Alternative location considered, east side of building already has wall sign, does not solve being unidentifiable from the west

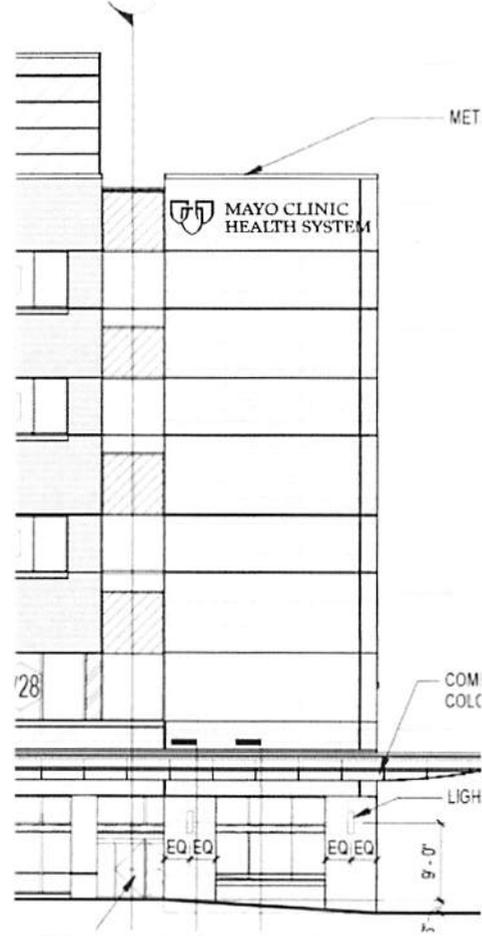
Existing wall sign



Face-Lit Channel Letters on Raceways



South Elevation



West Elevation

Approved by: _____ Date: _____

Landlord: _____ Date: _____

*Colors on sketch are only a representation, actual color of finished product may differ from this sketch.

*To make the best use of standard sized materials and control costs the size of the finished product may vary slightly

lacrossesign.com

DESIGN

SALES

FILE



La Crosse Sign Group

1450 Oak Forest Drive Onalaska, WI 54650 608-781-1450
2242 Mustang Way Madison, WI 53718 608-222-5353
2502 Melby Street Eau Claire, WI 54703 715-835-6189

Drawing by: Chris Clark	Job Name: Mayo Clinic Health Sys	Version Number: 4
Sign Type: Channel Letters	Job Address: 700 West Ave S	Job File Location:
Date Created: 12-21-2022	La Crosse, WI 54601	S:\M\Mayo Clinic Health System 2017 & After\Southeast Region\La Crosse, WI - Main Campus\119512 Main Campus Expansion\Design
Last Modified: 3-6-2023	Consultant: Kyle Sanger	
Scale: 1/8"=1'	Job Number: 119512	

COLOR KEY

- 1 ■ Black Trim Cap
- 2 ■ Returns and Raceways TBD/ Match Building
- 3 ■ Perforated Day/Night Vinyl

This artwork is copyright La Crosse Sign Group and may not otherwise be used without permission. It is the property of La Crosse Sign Group and must be returned to them upon request.



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>



5/16/23

Mayo Clinic Health System
700 West Ave. S.
La Crosse WI, 54601

RE: An appeal regarding the requirement that wall signs may be placed on no more than two separate walls of a building and signs must face a street or principal parking lot.

Dear Mayo Clinic:

We have received your sign permit application to install wall signs on the 3rd wall of a building that also does not face a street or principal parking lot. These signs are not in compliance with the sign ordinances set forth in the Municipal Code of Ordinances of the City of La Crosse (Code).

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

Sec. 111-94. - Wall signs.

Wall signs may be placed on no more than two separate walls of a building. Such signs may be placed only on walls facing a public street or the principal off-street parking area serving the building. On walls less than 75 feet tall, signage may cover no more than 25 percent of the area of each wall measured at the first 30 feet in height. On walls 75 feet in height or more, signage may take up no more than ten percent of the area of the wall. No wall sign shall exceed 672 square feet.

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 to allow a wall sign to be placed on the 3rd wall of the building, and also a variance to allow a wall sign to be placed on a wall not facing a public street or principal parking lot for this project to proceed.

Sincerely,

Eddie Young
Building Inspector

BOARD OF ZONING APPEALS

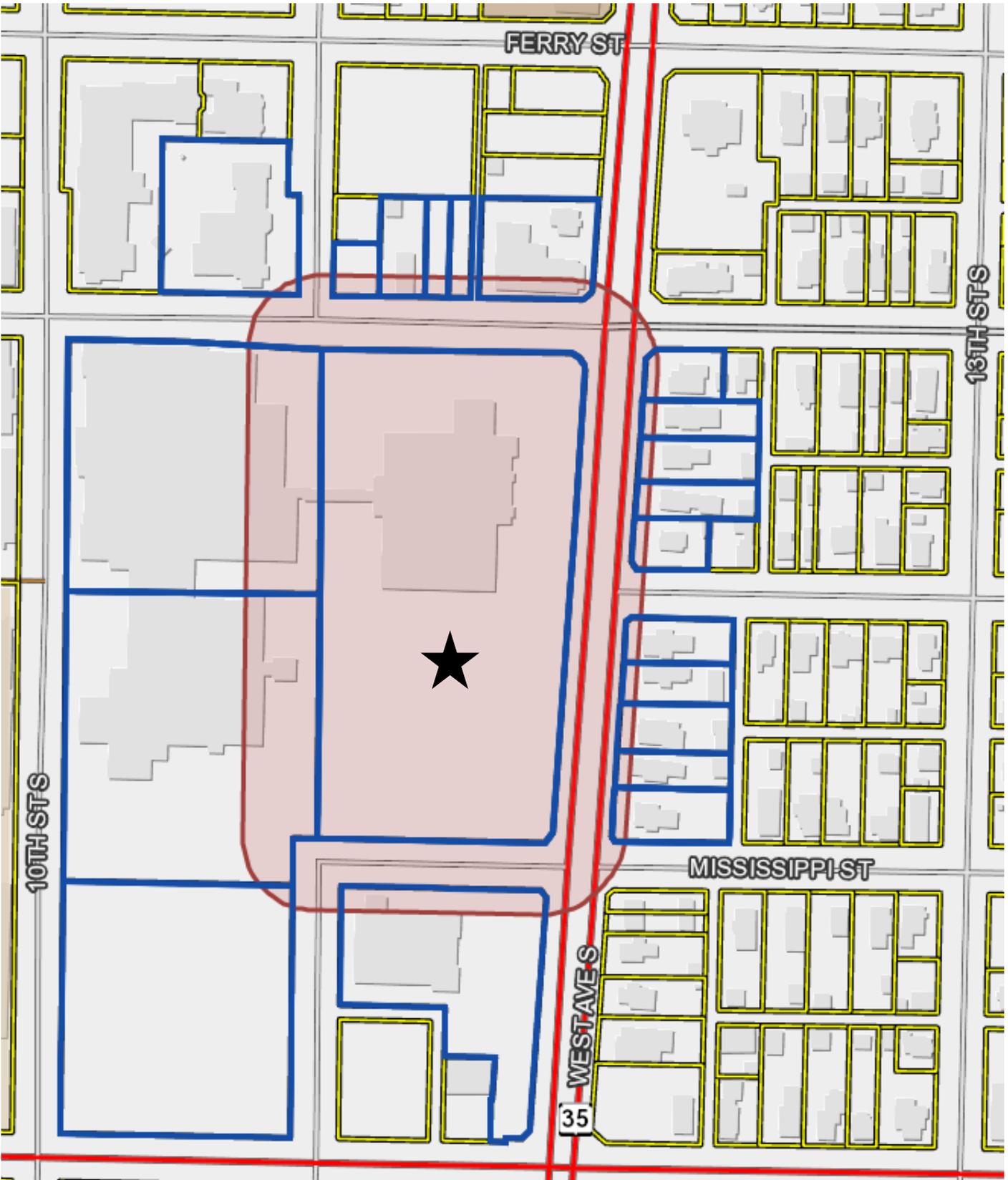
STANDARDS FOR AREA VARIANCE

- 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.

Tax Parcel	OwnerName	PROPADDCOMP	CompleteAddress	MailCityStateZip
17-30209-40	9 PARK WEST LLC	801 & 803 WEST AVE S	1205 LAUDERDALE PL	ONALASKA WI 54650
17-30209-60	BRENT A NOLTE, DARRELL D JR EHRIKE	815 WEST AVE S	521 16TH ST S	LA CROSSE WI 54601
17-30207-150	CHARLES A CLEMENCE	705 WEST AVE S	705 WEST AVE S	LA CROSSE WI 54601-4727
17-30209-50	DDEJR PROPERTIES LLC	805 & 807 WEST AVE S	521 16TH ST S	LA CROSSE WI 54601
17-30208-10	DRIFTLESS ESTATES LLC	707, 709, 711 WEST AVE S	305 MCHUGH ST W	HOLMEN WI 54636
17-30055-72	FRANCISCAN SKEMP MEDICAL CENTER INC	608 11TH ST S	700 WEST AVE S	LA CROSSE WI 54601
17-30056-20	FRANCISCAN SKEMP MEDICAL CENTER INC	1117 MARKET ST	700 WEST AVE S	LA CROSSE WI 54601
17-30056-30	FRANCISCAN SKEMP MEDICAL CENTER INC	1115 MARKET ST	700 WEST AVE S	LA CROSSE WI 54601
17-30056-60	FRANCISCAN SKEMP MEDICAL CENTER INC	1101 MARKET ST	700 WEST AVE S	LA CROSSE WI 54601
17-30057-50	FRANCISCAN SKEMP MEDICAL CENTER INC	700 WEST AVE S, STE 101 & 102	700 WEST AVE S	LA CROSSE WI 54601
17-30059-130	FRANCISCAN SKEMP MEDICAL CENTER INC	815 10TH ST S	700 WEST AVE S	LA CROSSE WI 54601
17-30062-10	FRANCISCAN SKEMP MEDICAL CENTER INC	930 11TH ST S	700 WEST AVE S	LA CROSSE WI 54601
17-30063-60	GREAT NORTHERN INVESTMENT OF LACROSSE INC C/O ENERNOC	900 WEST AVE S	PO BOX 319022	CHICAGO IL 60631
17-30209-70	JOSEPH K ANDERSON, MARY L ANDERSON	819 WEST AVE S	819 WEST AVE S	LA CROSSE WI 54601-4728
17-30056-40	MAYO CLINIC HEALTH SYSTEM-FRANCISCAN SKEMP	1109 MARKET ST	700 WEST AVE S	LA CROSSE WI 54601
17-30208-40	MORGAN D MENEZES	727 WEST AVE S	400 LOSEY BLVD N	LA CROSSE WI 54601-3934
17-30208-30	MOSER RENTALS LLC	719 & 721 WEST AVE S 821 & 823 WEST AVE S	W4950 COUNTY ROAD B	LA CROSSE WI 54601
17-30209-80	NORSE HOLDING GROUP INC	1205 & 1207 MISSISSIPPI ST	3317 MORMON COULEE RD	LA CROSSE WI 54601
17-30208-20	PAUL G CZERWONKA	713 WEST AVE S	713 WEST AVE S	LA CROSSE WI 54601-4727
17-30056-10	ST JOHNS REFORMED CHURCH	624 WEST AVE S	624 WEST AVE S	LA CROSSE WI 54601-4761

Parcels within 100 feet of subject property listed below.

APPLICANT:	MAYO CLINIC HEALTH SYSTEM CARLEE STRONG	700 & 800 WEST AVE S	700 WEST AVE S	LA CROSSE WI 54601
CONTRACTOR:	LA CROSSE SIGN GROUP		1450 OAK FOREST DR	ONALASKA WI 54650



★ Subject Property = 700 West Avenue S



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Text File

File Number: 2670

Agenda Date: 6/19/2023

Version: 1

Status: Agenda Ready

In Control: Board of Zoning Appeals

File Type: BOZA - Request for
Variance

Agenda Number:

Board of Zoning Appeals Variance Application

(To be completed by City Clerk or Zoning Staff)

City of La Crosse, Wisconsin

Application No.: 2670 Filing Fee: 300.00
 Date Filed: 6-2-23 Date Paid: 6/2/2023
 Application Complete: Yes No Reviewed By MS (Initial)

(To be completed by the applicant)

Application Deadline: 5:00 p.m. the first Monday of every month.

Building Permit Application Deadline: 10 Calendar Days prior to the first Monday of every month for the City of La Crosse Fire Department – Division of Community Risk Management to provide review. Any building permit submitted after this deadline must wait until the following month's Board of Zoning Appeals meeting.

	Owner / Agent	Contractor
Name	<u>Rickie Johnson</u>	
Address	<u>1521 Main St</u>	
Phone	<u>(608) 790-7803</u>	

Legal Description: 1521 Main St, City of La Crosse, Wis.
 Tax Parcel Number: 17-20229-100
 Lot Dimensions and Area: 50~~2~~ x 151~~8~~ feet. = ~~7,500~~ sq. ft. 7,500
 Zoning District: R-1

A variance is a relaxation of a standard in a land use ordinance. The Board of Zoning Appeals decides variances. The Board is a quasi-judicial body because it functions like a court. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. The burden of proof falls on the variance applicant.

Process:

At the time of application, you will be asked to:

- **Complete an application form** and timely submit it with a non-refundable fee as required in La Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.
- **Provide detailed plans** describing your lot and project (location, dimensions, and materials);
- **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three-Step Test below); and
- **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

Following these steps, the City of La Crosse Fire Department – Division of Community Risk Management must approve the application as to form and completeness and then the application and fee must be submitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board must deny your request for a variance and your fee will be forfeited.

Part A: General Information and Alternatives Analysis.

(To be completed by the applicant).

1. General Information.

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

(a) Current use and improvements.

Asking for variance to put up
a 5x6 Storage Bin to replace
old storage bin

(b) Proposed Use.

Store Antiques

(c) Description and date of any prior petition for variance, appeal, or special exception.

N/A

(d) Description and location of all nonconforming structures and uses on the property.

Diagram is included

(e) Ordinance standard from which variance is being sought (include code citation).

5x6 Plastic Storage Bin
115-390

(f) Describe the variance requested.

page added

(g) Specify the reason for the request.

Upgraded to a new 5x6 plastic storage bin
the existing shed (8x10) was dilapidated and
a hazard.

(h) Describe the effects on the property if the variance is not granted.

Antiques would be destroyed

2. Alternatives.

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

- **Alternatives you considered that comply with existing standards.** If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons why you rejected them.

N/A

- **Alternatives you considered that require a lesser variance.** If you reject such alternatives, provide the reasons why you rejected them.

Storage Bin has been in place since 2017

N/A

Part B: Three-Step Test.

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

1. Unique Property Limitation. (To be completed by the applicant).

Unique physical characteristics of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances or desires of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

You will be asked whether there exist any unique physical characteristics to your property that prevent compliance with the ordinance. You will be asked to show where these unique physical characteristics are located on your property by showing the boundaries of these features on a site map. If there is not a unique property limitation, a variance cannot be granted.

Do unique physical characteristics of your property prevent compliance with the ordinance?

Yes. Where are they located on your property? In addition, please show the boundaries of these features on the site map that you used to describe alternatives you considered.

No. A variance cannot be granted.

2. No Harm to Public Interest.

A variance may not be granted which results in harm to public interests or undermines the purpose(s) of the ordinance. In applying this test, the Zoning Board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community, and the general public. These interests may be listed as objectives in the purpose statement of an ordinance and may include:

- *Public health, safety, and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures, and lots*
- *Any other public interest issue*

(a) Ordinance Purpose. *(To be completed by zoning staff).*

The Zoning Board must consider the purpose and intent of zoning codes when considering a variance request. As promulgated by the City of La Crosse Common Council, the purpose and intent of the La Crosse Zoning Code include, but is not limited to, the following:

§ 8-86	§ 101-58	§ 109-6
§ 115-3	§ 115-140	§ 115-141
§ 115-148	§ 115-156	§ 115-158
§ 115-211	§ 115-319	§ 115-437
§ 115-510	§ 115-548	§ 115-594

The failure of any particular city official to identify additional purpose and intent information on the application does not preclude the city official from raising the issue at the public hearing on the requested variance.

(b) Purpose(s) of Standard from which Variance is Requested. (To be completed by zoning staff).

The City of La Crosse Building Inspector, Code Enforcement Officer and any other officials may be aware of other reasons a particular ordinance standard is required. The city official(s) may list those reasons on this application. The failure of any particular city official to identify additional purpose information on this application does not preclude the city official from raising the issue at the public hearing on the requested variance.

(c) Analysis of Impacts. (To be completed by applicant).

Discuss impacts (e.g. increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For each impact, describe potential mitigation measures and the extent to which they reduce the impacts (i.e. completely, somewhat, or marginally). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term, and cumulatively.

Short-term impacts are those that occur through the completion of construction. Long-term impacts are those that occur after construction is completed. Cumulative impacts are those that would occur if a similar variance requested were granted for many properties. After completing the impact analysis, you will be asked to give your opinion whether granting the variance will harm the public interest.

(1) Short-term Impacts (through the completion of construction):

- Impact:
Mitigation measure(s):
Extent to which mitigation reduces project impact:

N/A

- Impact:
Mitigation measure(s):
Extent to which mitigation reduces project impact:

N/A

(2) Long-term Impacts (after construction is completed):

- Impact:
Mitigation measure(s):
Extent to which mitigation reduces project impact:

N/A

- Impact:
Mitigation measure(s):
Extent to which mitigation reduces project impact:

N/A

(3) Cumulative Impacts (what would happen if a similar variance request was granted for many properties?):

- Impact:
Mitigation measure(s):
Extent to which mitigation reduces project impact:

N/A

- Impact:
Mitigation measure(s):
Extent to which mitigation reduces project impact:

N/A

Will granting the variance harm the public interest?

- Yes. A variance cannot be granted.
- No. Mitigation measures described above will be implemented to protect the public interest.

3. Unnecessary Hardship. (To be completed by the applicant).

The unique property limitation must create the unnecessary hardship. An applicant may not claim unnecessary hardship because of conditions that are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

An **area variance** is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance with the strict letter of the area restrictions would unreasonably prevent the owner from using the property for a permitted purpose (i.e. leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term, and cumulative effects of the variance on the neighborhood, the community, and on the public interests. This standard reflects the Wisconsin Supreme Court decisions in *State v. Waushara County Bd. Of Adjustment*, 2004 WI 56; and *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

A **use variance** is a relaxation of the zoning regulation on how the property is fundamentally used. A use variance allows property to be utilized in a manner not permitted by zoning regulations (i.e. an appropriate adaptive re-use of a school or church in a residential district). Unnecessary hardship exists only if the property owners show that they would have no reasonable or viable use of the property without the variance. Though not specifically restricted by statute or case law, a use variance is very rare because of the drastic effects it has on the neighborhood, the community, and the public interests. The Zoning Board must consider whether the owner has no reasonable return if the property is only used for the purpose allowed in zoning regulation, whether the plight of the owner is due to unique circumstances and not merely general conditions in the neighborhood, and whether the use sought to be authorized will alter the nature of the locality. See generally *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

Are you applying for an area variance or a use variance?

Area variance

Use variance

Is unnecessary hardship present?

Yes. Describe.

Letter is added

No. A variance cannot be granted.

Part C: Additional Materials / Exhibits.

In order for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than 1"=50', and other exhibits must show the following:

- Location of requested variance
- Property lines
- Ordinary high-water mark
- Flood plain and wetland boundaries
- Dimensions, locations, and setbacks of existing and proposed structures
- Utilities, roadways, driveways, off-street parking areas, and easements
- Existing highway access restrictions and existing proposed street, side and rear yards
- Location and type of erosion control measures
- Vegetation removal proposed
- Contour lines (2 ft. interval)
- Well and sanitary system
- Location and extent of filling/grading
- Any other construction related to your request
- Anticipated project start date
- Sign locations, dimensions, and other specifications
- Alternatives considered
- Location of unique property limitation
- Lot corners, lines, and footprints have been staked out
- Abutting street names and alleys
- Abutting property and land within 20 feet
- Indication of the direction "North"

Part D: Authorization to Examine

You must complete and sign the authorization for the City of La Crosse Board of Zoning Appeals and the Planning and Development Department to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 1521 Main St LaCrosse, WI

(Address where variance is sought)

Date: 5/31/23 Signature of Owner: Richie Johnson

Part E: Certification.

You must sign your application, certifying that it and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered. You also must get the application notarized by a certified notary.

Submit completed application to: Board of Zoning Appeals
400 La Crosse St.
Clerk's Office- 2nd Floor
La Crosse, Wisconsin 54601

Submit complete copy to: Chief Inspector
400 La Crosse St.
City of La Crosse Fire Department –
Division
of Community Risk Management
La Crosse, Wisconsin 54601

By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything in this application that my application will be denied and any variance granted thereunder may be revoked.

Signed: (Applicant or Agent) Michelle Johnson

Date: 5/31/23

Signed: (Owner, if different from applicant) Michelle Johnson

Date: 5/31/23

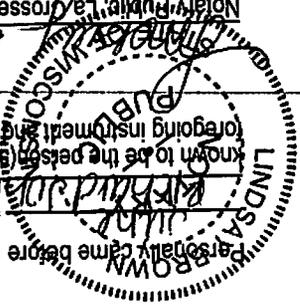
THE APPLICANT OR AGENT
Michelle Johnson
By:

THE OWNER
Michelle Johnson

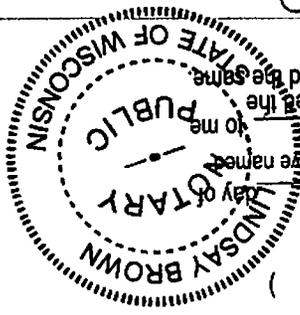
STATE OF WISCONSIN)
COUNTY OF LA CROSSE)

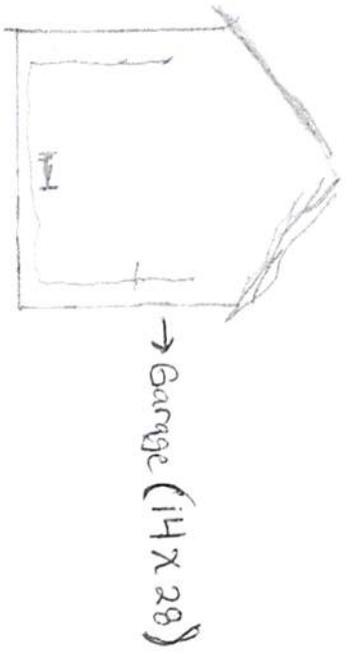
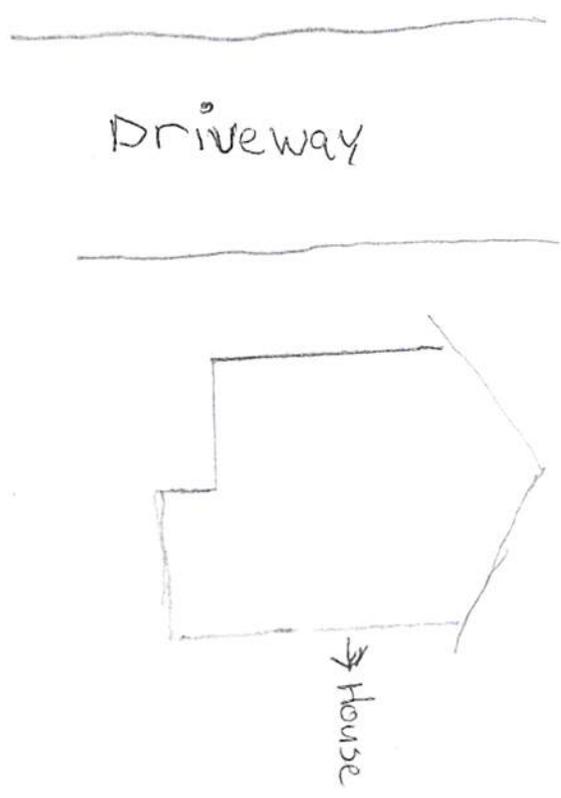
STATE OF WISCONSIN)
COUNTY OF LA CROSSE)

Personally came before me this 1 day of June, 2023 the above named Michelle Johnson known to be the person(s) who executed the foregoing instrument and acknowledged the same.
Notary Public, La Crosse County, WI
My commission expires: 05/31/2025



Personally came before me this 1 day of June, 2023 the above named Michelle Johnson known to be the person(s) who executed the foregoing instrument and acknowledged the same.
Notary Public, La Crosse County, WI
My commission expires: 05/31/2025





* The Plastic bin has be up since 2017, replace the previous metal Shed,



**City of La Crosse, State of Wisconsin
Municipal Court Citation and Complaint**

Citation Number MU-020218221
Deposit Permitted \$250.00

You are Notified to Appear Is this a mandatory appearance? No Date: 2/8/2023 Time: 8:30 AM Location: La Crosse Municipal Court 400 La Crosse St La Crosse, WI 54601	Defendant Name - Last JOHNSON	First RICHARD	MI E
	Street Address 1521 MAIN ST	City LA CROSSE	State WI
Plaintiff City of La Crosse			
Defendant Violated: Ordinance No. 115-390.(2)c.		Adopting State Statute No.	
Description of Violation: Failure to remove 2nd shed from property.			
Week Day Thu	Month / Day / Year 1/12/2023	Time 11:25am	
At 1521 Main St.		County La Crosse	
Citation Served Mailed to defendant's last known address		Officer Name David Reinhart	Department CRM
		Date Citation Issued 1/12/2023	

INSTRUCTIONS - READ CAREFULLY

APPEARANCE NOT MANDATORY:

IF YOU WISH TO DISPUTE THE CITATION, you must appear in court on your court date. You may do so even if you have already paid the deposit or posted a bond. If you cannot appear on your court date, call the court office to reschedule.

IF YOU DO NOT WISH TO DISPUTE THE CITATION, simply mail in the "deposit permitted" amount of **\$250.00** by your court date, with a statement saying you do not wish to contest the citation. Please include either:

- a photocopy of your citation, **OR**
- your correct name and address, citation number, court appearance date listed above on the citation.

Make check payable to the **City Treasurer** and mail to the **La Crosse Municipal Court**, at the following address: **400 La Crosse St, La Crosse, WI 54601**. You do not need to appear.

IF YOU DO NOTHING:

The court will find you guilty for failing to appear in court and order you to pay the forfeiture and costs imposed by the court.

Failure to pay by the due date imposed by the court will result in your debt being sent to the WI Department of Revenue State Debt Collection agency or issue a warrant for your arrest and incarceration for failure to pay.



**City of La Crosse, State of Wisconsin
Municipal Court Citation and Complaint**

Citation Number
MU-020218223

Deposit Permitted
\$691.00

You are Notified to Appear Is this a mandatory appearance? No		Defendant Name - Last JOHNSON		First RICHARD		MI E	
Date: 4/5/2023 Time: 8:30 AM Location: La Crosse Municipal Court 400 La Crosse St La Crosse, WI 54601		Street Address 1521 MAIN ST		City LA CROSSE		State WI	
						Zip Code 54601	
		Plaintiff City of La Crosse					
Defendant Violated: Ordinance No. 115-390.(2)c.		Adopting State Statute No.		Description of Violation: Failure to remove 2nd shed from property.			
Week Day Fri	Month / Day / Year 3/17/2023	Time 9:15am					
At 1521 Main St.		County La Crosse					
Citation Served Mailed to defendant's last known address		Office Name David Reinhart		Department CRM		Date Citation Issued 3/17/2023	

INSTRUCTIONS - READ CAREFULLY

APPEARANCE NOT MANDATORY:

IF YOU WISH TO DISPUTE THE CITATION, you must appear in court on your court date. You may do so even if you have already paid the deposit or posted a bond. If you cannot appear on your court date, call the court office to reschedule.

IF YOU DO NOT WISH TO DISPUTE THE CITATION, simply mail in the "deposit permitted" amount of **\$691.00** by your court date, with a statement saying you do not wish to contest the citation. Please include either:

- a photocopy of your citation, **OR**
- your correct name and address, citation number, court appearance date listed above on the citation.

Make check payable to the City Treasurer and mail to the La Crosse Municipal Court, at the following address: **400 La Crosse St, La Crosse, WI 54601**. You do not need to appear.

IF YOU DO NOTHING:

The court will find you guilty for failing to appear in court and order you to pay the forfeiture and costs imposed by the court.

Failure to pay by the due date imposed by the court will result in your debt being sent to the WI Department of Revenue State Debt Collection agency or issue a warrant for your arrest and incarceration for failure to pay.



**City of La Crosse, State of Wisconsin
Municipal Court Citation and Complaint**

MU-020218222

Deposit Permitted
\$439.00

You are Notified to Appear Is this a mandatory appearance? No		Defendant Name - Last JOHNSON		First RICHARD		MI E	
Date: 3/22/2023 Time: 8:30 AM Location: La Crosse Municipal Court 400 La Crosse St La Crosse, WI 54601		Street Address 1521 MAIN ST		City LA CROSSE		State WI	
				Zip Code 54601			
		Plaintiff City of La Crosse					
Defendant Violated: Ordinance No. 115-390.(2)c.		Adopting State Statute No.		Description of Violation: Failure to remove 2nd shed from property.			
Week Day Fri	Month / Day / Year 3/10/2023	Time 7:36am					
At 1521 Main St.		County La Crosse					
Citation Served Mailed to defendant's last known address		Officer Name David Reinhart		Department CRM		Date Citation Issued 3/10/2023	

INSTRUCTIONS - READ CAREFULLY

APPEARANCE NOT MANDATORY:

IF YOU WISH TO DISPUTE THE CITATION, you must appear in court on your court date. You may do so even if you have already paid the deposit or posted a bond. If you cannot appear on your court date, call the court office to reschedule.

IF YOU DO NOT WISH TO DISPUTE THE CITATION, simply mail in the "deposit permitted" amount of \$439.00 by your court date, with a statement saying you do not wish to contest the citation. Please include either:

- a photocopy of your citation, **OR**
- your correct name and address, citation number, court appearance date listed above on the citation.

Make check payable to the **City Treasurer** and mail to the **La Crosse Municipal Court**, at the following address: **400 La Crosse St, La Crosse, WI 54601**. You do not need to appear.

IF YOU DO NOTHING:

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Failure to pay by the due date imposed by the court will result in your debt being sent to the WI Department of Revenue State Debt Collection agency or issue a warrant for your arrest and incarceration for failure to pay.



CITY OF LA CROSSE

OFFICE OF MUNICIPAL JUDGE
HON. DENNIS A. MARCOU

City Hall
Municipal Court Office
400 La Crosse Street
La Crosse, WI 54601
Phone: (608) 789-7290
cityoflacrosse.org/municipalcourt

April 21, 2023

RICHARD E JOHNSON
1521 MAIN ST
LA CROSSE, WI 56401

CITY V. RICHARD E JOHNSON

RE: CITATION #: MU-020218221, MU-020218222 & MU-020218223
CHARGE: HEIGHT AND AREA REGULATIONS X 3

REMINDER OF TRIAL DATE!

Trial on the above case is set for:

5/03/2023 AT 10:30 AM

The original notice of the trial date was either given to you when you appeared in Court at your initial appearance or sent to you through the mail. This letter is sent to you as a reminder. The trial will not be reset.

The trial will be held in the Council Chambers in City Hall, located at 400 La Crosse Street, La Crosse, WI, 54601.

If you have changed your mind and no longer want the trial, please call our office immediately.

Be advised if you fail to appear, you will be found guilty by default. Additional fees of up to \$75.00 per police officer may be imposed.

Sincerely,

Dennis A. Marcou
Municipal Judge

kch

OFFICIAL ORDER TO CORRECT CONDITION OF PREMISES

RICHARD & TERI JOHNSON
1512 MAIN ST
LA CROSSE, WI 54601

Ref No: OTC-BLDG-020218-2022

Parcel: 17-20229-100 (1521 MAIN ST)

A recent inspection of the above captioned premises revealed conditions that are in violation of the Ordinances for the City of La Crosse and/or Wisconsin Administrative Code. Failure to correct the violations noted herein within the time set or failure to comply with the notice may subject you to prosecution and to penalties of up to \$500.00 per violation and/or other penalties in the manner provided in of the City of La Crosse Municipal Code.

You are hereby ordered to correct each violation listed below by the following date: 10/17/2022, except as otherwise set forth below. Your failure to maintain compliance with this order may subject you to prosecution as noted above.

VIOLATION: PER MUNICIPAL CODE SEC 115-390.(2)C. Only one yard shed is allowed and cannot exceed 120 square feet. Please remove the the recently constructed yard shed. Also, a permit is required for the construction of yard sheds per the municipal code.

Pursuant to the City of La Crosse Municipal Code of Ordinances.

By order of the Fire Department - Division of Community Risk Management per Inspector: Kelsey.

For further information, call the above named Inspector at (608) 789-8675 or the department's main number (608) 789-7530. Department hours are from 7:30 a.m. to 4:30 p.m. weekdays.

This order was served via US Mail on 09/16/2022.

Inspector: *Kelsey*

By Kelsey on 09/16/2022



OFFICIAL ORDER TO CORRECT CONDITION OF PREMISES

RICHARD & TERRI JOHNSON
1521 MAIN ST
LA CROSSE, WI 54601

Ref No: **OTC-BLDG-020218-2022**

Parcel: **17-20229-100** (1521 MAIN ST)

A recent inspection of the above captioned premises revealed conditions that are in violation of the Ordinances for the City of La Crosse and/or Wisconsin Administrative Code. Failure to correct the violations noted herein within the time set or failure to comply with the notice may subject you to prosecution and to penalties of up to \$500.00 per violation and/or other penalties in the manner provided in of the City of La Crosse Municipal Code.

You are hereby ordered to correct each violation listed below by the following date: 11/28/2022, except as otherwise set forth below. Your failure to maintain compliance with this order may subject you to prosecution as noted above.

VIOLATION: PER MUNICIPAL CODE SEC 115-390.(2)C. Only one yard shed is allowed and cannot exceed 120 square feet. Please remove the the recently constructed yard shed. Also, a permit is required for the construction of yard sheds per the municipal code.

Pursuant to the City of La Crosse Municipal Code of Ordinances.

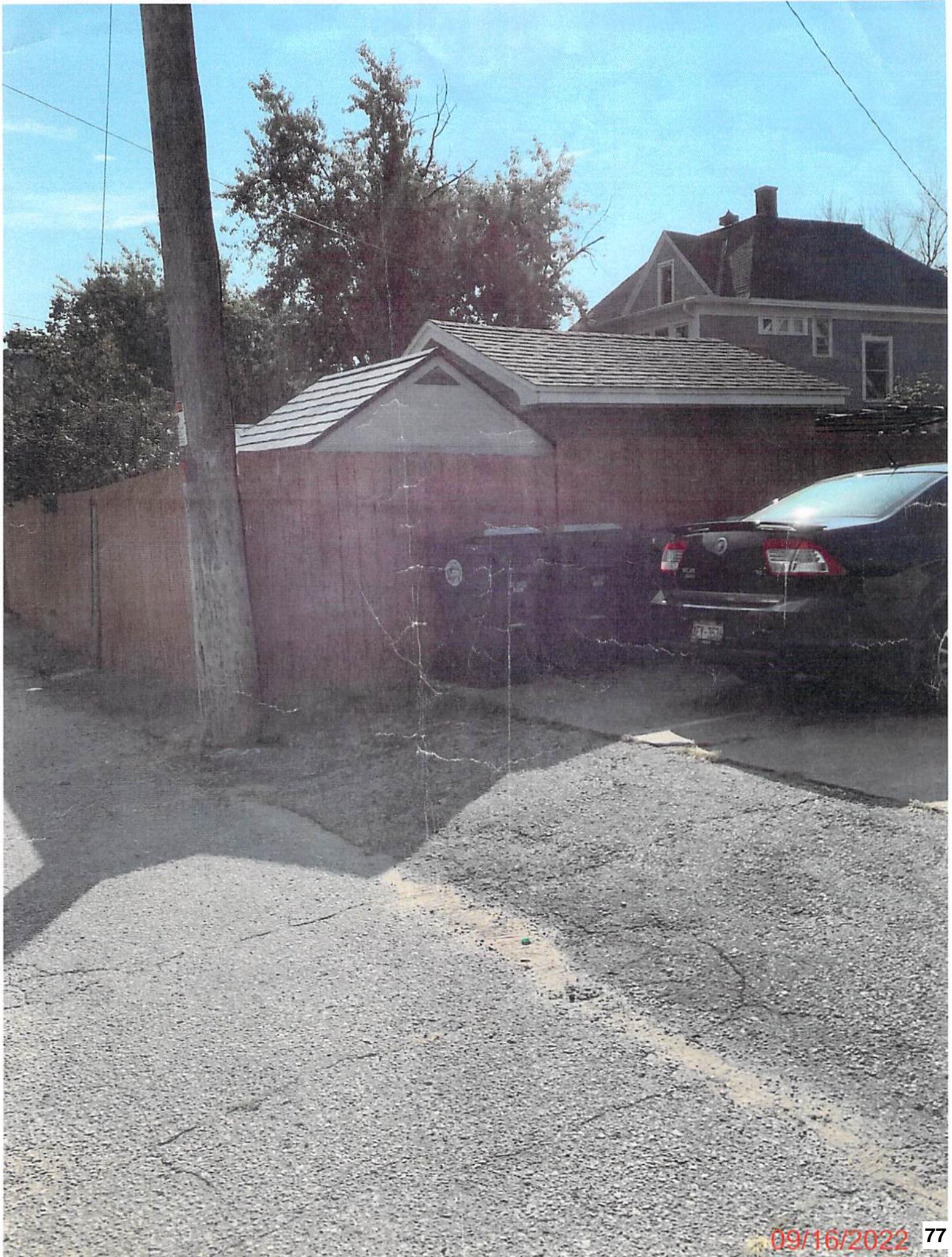
By order of the Fire Department - Division of Community Risk Management per Inspector: Kelsey.

For further information, call the above named Inspector at (608) 789-8675 or the department's main number (608) 789-7530. Department hours are from 7:30 a.m. to 4:30 p.m. weekdays.

This order was served via US Mail on 09/28/2022.

Inspector: *Kelsey*

By Kelsey on 09/16/2022





Richie Johnson <rjohnson@laxymca.org>



Property Variance 1521 Main St

1 message

Richie Johnson <rjohnson@laxymca.org>
To: Richie Johnson <rjohnson@laxymca.org>

Wed, May 31, 2023 at 10:51 AM

To the Board of Zoning Appeals Variance Application

In July of 2022, my wife called in a complaint about the neighbors from a rental house east of my house (1521 Main St) and how they were parking in the alley and in the yard. A couple of weeks later we get a letter saying we have broken a code violation 115-390. When we moved into our house in 1999 there was an existing 8x10 dilapidated storage bin, which was a hazard to the neighborhood. I took it down and in 2017 added a 5x6 storage bin. In all these years not one neighbor has complained. I have been to court numerous times trying to rectify the situation. I do not trust the City of LaCrosse Municipal Court simply because of their unprofessional bullying tactics to have financial gain by sending me fines. I even offer to pay for a permit for a storage bin, that has been standing for Five years. I was denied! This is over a 5x6 plastic storage bin that sits on the concrete of the existing storage bin. The City of LaCrosse is being very vindictive toward honest taxpayers, for trying to keep our neighborhood respectful. I respectfully told them to reimburse us for our property taxes for the last five, that you asset my property value with the storage bin there.

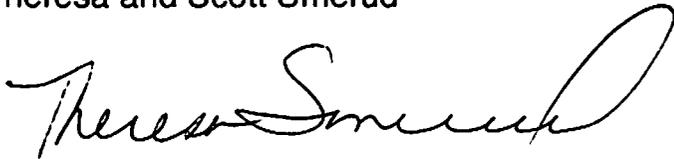
Thank You! Richie Johnson

To Whom it may concern:

I am a close neighbor to Rich and Terri Johnson at 1521 Main Street. I was made aware that they are seeking a variance from the city for a garden shed that is on their property, out of view from others, behind a high fence in the alley. I have been a neighbor for over 25 years, and I just found out about it today! I see absolutely no reason that a nice looking, well maintained shed would be considered inappropriate for our neighborhood, especially, since many of the single family resident properties in the past few years, have been purchased for, and made into college housing. We have had to witness the the quality of beautiful family homes deteriate before our eyes to accommodate extra parking, extra garbage, and the elevation of significant noise well int to the morning hours and not to mention the decrease in perceived value of our properties.

Therefore, I fully support the garden shed in the Johnson's private back yard.

Sincerely,
Theresa and Scott Smerud

A handwritten signature in black ink, appearing to read "Theresa Smerud". The signature is fluid and cursive, with a large loop at the end of the last name.



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>



RICHIE JOHNSON
1521 MAIN ST.
LA CROSSE, WI 54601

04/20/2023

RE: Denial of building permit application for the construction of a yard shed at 1521 Main St.

Mr. Johnson,

Thank you for submitting your building permit application for A NEW YARD SHED at the address of 1521 MAIN ST. After a review of the site plan submitted, the application is denied for the reason(s) stated below. Please contact CRM if you have any questions or need additional clarification. If desired, you may apply for a variance by contacting the City Clerk's office or following the instructions listed here: <https://www.cityoflacrosse.org/your-government/departments/city-clerk/forms-chart/board-of-zoning-appeals>.

1. Per Municipal Code Section 115-390(2)(c), "In all residential zoning districts the aggregate building area of all detached accessory buildings shall not exceed 35 percent of the area of the rear yard of the parcel upon which they are to be built, up to a maximum 1,000 square feet of aggregate area of detached accessory buildings; provided, however, that the maximum aggregate area of all residential accessory buildings shall in no case exceed the gross finished floor area of the dwelling unit, excluding unfinished basement areas, to which they are accessory. Such detached residential accessory buildings may be placed in the rear, or side yard when not in conflict with any other requirement of this Code. Detached accessory buildings in the rear yard shall maintain minimum rear yard and side yard setbacks of two feet including roof line. In addition, to the requirements set forth above, a property with a tuck under garage shall be permitted to construct an unattached garage provided that the aggregate area of the two garages do not exceed all of the limits set forth above. The term "tuck under garage" means an attached garage which is built into the footprint of the principle structure and located below a habitable area of the house in its entirety. A garage shall be constructed of similar building materials and shall be similar in appearance as the principal structure. For purposes of this section, a shed no larger than 120 square feet is permitted as an accessory structure but shall also count toward the 35 percent coverage allotment and the 1,000 square foot maximum building footprint."

Sincerely,

Mike Suntken

City of La Crosse Building Inspector



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

1521 MAIN ST LA CROSSE



Parcel: 17-20229-100 Internal ID: 30171
 Municipality: City of La Crosse Record Status: Current

Parcel Information:

Parcel: 17-20229-100
 Internal ID: 30171
 Municipality: City of La Crosse
 Record Status: Current
 On Current Tax Roll: Yes
 Total Acreage: 0.208
 Township: 16
 Range: 07
 Section: 32

- [Parcel](#)
- [Taxes](#)
- [Outstanding Taxes](#)
- [Assessments](#)
- [Deeds](#)
- [Permits](#)
- [History](#)

Legal Description:

METZGER & FUNK'S ADDITION LOT 10 BLOCK 22 LOT SZ: 50 X 151

Property Addresses:

<u>Street Address</u>	<u>City(Postal)</u>
1521 MAIN 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>
RICHARD E JOHNSON	Owner	1521 MAIN ST	LA CROSSE	WI	54601
TERRI L JOHNSON	Owner	1521 MAIN ST	LA CROSSE	WI	54601

Districts:

<u>Code</u>	<u>Description</u>	<u>Taxation District</u>
2849	LA CROSSE SCHOOL	Y
2	Book 2	N

Additional Information

<u>Category</u>	<u>Description</u>
2020+ VOTING SUPERVISOR	2020+ Supervisor District 4
2020+ VOTING WARDS	2020+ Ward 8
Use	1 UNIT

Lottery Tax Information ⓘ

Lottery Credits Claimed: 1 on 10/30/2000
 Lottery Credit Application Date: 10/4/2000

Board of Zoning Appeals Standards

The Board of Zoning Appeals functions like a court, and must follow State laws and local zoning ordinances. The Board of Zoning Appeals cannot change or ignore any part of the zoning ordinance or State laws, but must apply the laws as written.

The Board may only grant a variance, special exception, or administrative appeal if the applicant provides evidence showing that they meet **all** of the legal standards for that decision. The burden of proof falls on the variance applicant, not the Board of Zoning Appeals. The legal standards the Board will use to decide on each application are shown below.

STANDARDS FOR USE or 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 the 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 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 or 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 Procedure Handout

- 1) You, or someone speaking on your behalf, should arrive at 4:00 p.m. for the meeting even if you are not listed first on the agenda.
- 2) Neighbors within 100 feet of the property (where the variance is requested) will receive a copy of the meeting notice. They may appear before the Board to speak for or against your appeal or they may write a letter in support of your appeal or against your appeal and submit it to the City Clerk's office. You may contact your neighbors and share your proposal with them so they are aware.
- 3) The Board will have received a copy of your denial letter from Community Risk Management, your variance application, and any other materials you have attached to your application. Any presentation to the Board is limited to written materials, diagrams and photographs. No electronic devices for presentations will be allowed. This restriction does not apply to the presentation by Community Risk Management. Public hearings before the Board may be limited to ten (10) minutes for the proponents, ten (10) minutes for the opponents and a three (3) minute rebuttal for each side. The Board reserves the right to extend these time limits as it determines.
- 4) The Board follows the criteria listed on the previous page to determine whether or not your request meets the standards set forth by the Wisconsin Supreme Court.
- 5) If the Board grants your appeal, after you receive your letter of the Board's decision, you may apply for your building permit. The letter will be mailed to you within a week, after the meeting has taken place.

Tax Parcel	OwnerName	PROPADDCOMP	MAILING Address	MailCityStateZip
17-20128-60	WISCONSIN EVANGELICAL LUTHERAN SYNOD	1530 MAIN ST	N16W23377 STONE RIDGE DR	WAUKESHA WI 53188-1108
17-20128-70	TRAVIS G WRIGHT	1522 MAIN ST	1522 MAIN ST	LA CROSSE WI 54601-4226
	COLIN H KLOS TRUST AGREEMENT			
17-20130-30	DIANN M KLOS TRUST AGREEMENT	1516 MAIN ST	1516 MAIN ST	LA CROSSE WI 54601-4226
17-20130-40	BLUFFVIEW HOLDINGS LLC	1508 & 1510 MAIN ST	2028 ROSE CT	LA CROSSE WI 54603
17-20228-140	MARY J GANDER	119 16TH ST N	66 BUCK RIDGE DR	WINONA MN 55987
17-20229-110	SCOTT J SMERUD, THERESA M SMERUD	1525 MAIN ST	1525 MAIN ST	LA CROSSE WI 54601-4261
17-20229-120	KENNETH A OGORZALEK, KIMBERLY J MORRIS	1535 MAIN ST	1535 MAIN ST	LA CROSSE WI 54601
17-20229-130	BARRE MEADOWS LLC	113 16TH ST N	N3645 OLD M RD	WEST SALEM WI 54669
17-20229-20	BRIAN C MILLER	1526 STATE ST	1820 TAHOE PL	ONALASKA WI 54650
17-20229-30	BENJAMIN H THOMPSON, CHRISTINA THOMPSON	1520 & 1522 STATE ST	1520 STATE ST	LA CROSSE WI 54601
17-20229-40	PAUL T NELSON, OPAL Z TULPO	1512 STATE ST	1512 STATE ST	LA CROSSE WI 54601
17-20229-50	ROBERT G SEWELL, DIANE L SEWELL	1510 STATE ST	1510 STATE ST	LA CROSSE WI 54601-3653
17-20229-80	ANDREW J DAHL, JAMIE E DAHL	1511 MAIN ST	1511 MAIN ST	LA CROSSE WI 54601
17-20229-90	OLYMPIC PROPERTIES LLC	1513 & 1515 MAIN ST	PO BOX 2896	LA CROSSE WI 54602-2896

Applicant: RICHARD E JOHNSON, TERRI L JOHNSON 1521 MAIN ST 1521 MAIN ST LA CROSSE WI 54601

