

Fire Prevention and Building Safety

Gregg A. Cleveland, Fire Chief

400 La Crosse St., La Crosse, WI 54601 · (608) 789-7530 · Fax: (608) 789-7589 http://www.cityoflacrosse.org Inspection@cityoflacrosse.org



8/28/2016

Wieser Brothers Construction 200 Twilite St. La Crescent Mn.

RE: An appeal regarding the requirement that all structures be setback at least 75 feet or the average of the buildings on each side from the Ordinary High Water Mark at 621 Park Plaza Drive, La Crosse, Wisconsin,

Dear Weiser Brothers Construction:

We have received your building permit application to install footings and foundations for five multifamily dwellings that do not meet the minimum requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code). We invite your attention to subchapter of the Code wherein it provides for the purpose of the law from which you are seeking a variance:

115-60(d)

Shoreland-wetland zoning. As to appeals involving provisions in chapter 109:

- (1) Before making a decision on an appeal, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a Class 2 notice under Wis. Stat. ch. 985 specifying the date, time and place of the hearing and the matters to come before the Board. At the public hearing, any party may appear in person, by agent or by attorney and present testimony.
- (2) A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least ten days prior to all public hearings on issues involving shoreland-wetland zoning.
- (3) The final disposition of an appeal to the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the Board chairperson. Such decision shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, or modify the order, requirement, decision or determination appealed.
- (4) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department of Natural Resources within ten days after the decision is issued.

State Statute 62.233(5) Provisions of a county shoreland zoning ordinance under s. 59.692 that were applicable, prior to annexation, to any shoreland annexed by a city after May 7, 1982, shall continue in effect and shall be enforced after annexation by the annexing city until the effective date of an ordinance enacted by the city under sub. (2).

La Crosse County Code of Ordinances

- 20.31 LOTS THAT ABUT ON NAVIGABLE WATERS. All buildings and structures, except piers, boat hoists, boathouses and open fences which may require a lesser setback, shall be set back at least 75 feet from the ordinary high-water mark of navigable waters, except as provided in Section 20.32 and 20.33 of this Code, and except for the following permitted exception:
- (a) A stairway, walkway or lift is permitted in the shoreland setback area only when it is essential to provide pedestrian access to the pier or shoreline because of steep slopes, rocky or wet unstable soils, and when the following conditions are met:
- 1. There are no other locations or facilities on the property which allow adequate access to a pier or to the shoreline. Only one stairway or one lift is allowed, not both, except where there is an existing stairway and the lift will be mounted to or lie immediately adjacent to the existing stairway.
- 2. Such structures shall be placed on the most visually inconspicuous route to the shoreline and shall avoid environmentally sensitive areas.
- 3. Vegetation which stabilizes slopes or screens structural development from view shall not be removed.
- 4. Structures shall be colored and screened by vegetation so as to be inconspicuous when viewed against the shoreline.
- 5. Canopies, roofs and sides are prohibited; open railings may be provided viewed against the shoreline.
- 6. A maximum width of four (4) feet from the outside dimensions of the stairways, walkways and lifts is allowed.
- 7. Landings are allowed when required for safety purposes and shall not exceed forty (40) square feet; attached benches, seats, tables, and similar attachments, etc., are prohibited.
- 8. Stairways, walkways and lifts shall be supported on piles or footings. Any filling, grading or excavation that is proposed must comply with requirements of Sections 20.40 through 20.447 of this Ordinance.
- 20.33 REDUCED BUILDING SETBACKS. A setback of less than that required by section 20.31 may be permitted by the zoning administrator where there is at least one main building on higher side of the applicant's lot, within 150 feet of the proposed site that is built to less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest main building on each side of the proposed site or, if there is an existing main building on only one side, the setback shall be the average of the existing building's setback and the required setback. Any other setback reduction may be permitted by the board of adjustment pursuant to section 20.75 of this ordinance.

NR115.05 (b)1. 'Shoreland setback.' Except where exempt under subd.1m., a setback of 75 feet from the ordinary high—water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures. Where an existing development pattern exists, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of the principal structure on each adjacent lot, but the shoreland setback may not be reduced to less than 35 feet from the ordinary high—water mark of any navigable waters.

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 five variances (one for each building) for this project to proceed as proposed.

A variance of (50.94 feet for building A) (28.24 feet for building B) (42.18 feet for building C) (47.78 feet for building D) & (47.55 feet for building E) to the required seventy five foot setback from the ordinary high water mark.

Sincerely

Terry Thienes

Building Inspector



BUILDING PERMIT APPLICATION

Fire Prevention and Building Safety 400 La Crosse St, La Crosse, WI 54601 (608) 789-7530 • Fax: (608) 789-7589

http://www.cityoflacrosse.org inspection@cityoflacrosse.org Gregg A. Cleveland, Fire Chief

Application No:	
Date:	
Parcel No:	

DATE

	Project Add	Iress: PAYLIA	r Pw	42A De	Altoro	/LA CNos	3 de , C	, Ux	JIT A	Jort Salas a	
Щ.	Building Sign	Demolition				·	L	r Demolition	35 OI PIO	ject: \$ 786,825	
0	Description of Week										
PROJ	Description of Work	, beautes	F to	। इस क्लिक	<i>ि</i> ५०	for C	od no	BoILDI	, აც		
œ	Name: WATER	Peach orth	ha.			CONTROL OF THE PROPERTY OF THE					
OWNER		10th ALE No									
\$	City: ONALASKA		State	:: VJ (····			Zip Code	: 5415 c	3	
Ō		: \	Fax:		E	mail: 🖳	THE ENGLISH CHANGE AND A	The same of the sa			
```&``	Name: WILSER	Brother-5						Superviso	or: 🗙		
CIO	Address: 200 TW							WIS/Cred	d/Qual:	675270	
TRA	City: La crescent	7	State	:: Vv9			Zip Code: 55947				
CONTRACTOR	Phone: Ce <i>(ኤ.</i> ን)ያነና - ያየወኝ		Fax:	895-8438	E	mail:	(Vetwo)	e wieser	oro the r	s, to m	
	Zoning: PDO-SPEC	1816			Flood	Plain: Yes		No:	[\frac{1}{2}		
	Number of Dwelling Unit		, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		Fire Li	mits: Yes		No:			
PROPERTY	Property Located in Arch	aeological District:	Y	'es 📗	No /	<u> </u>					
<u>a</u>	Building Construction Typ	E: WOOD FRAME	<i>(</i> )	Occupancy type: Residential							
2	Level of Alteration (per IE	BC): -									
Δ.	Architect/Engineer Name	CARIS LA SHOW	n F		Archit	ect/Enginee	r Phone	:			
	OK TO ISSUE:	Inspector Initials:	···	It is hereby ag	reed bet	ween the app	olicant, a	owner, own	er's agent	or servant, and the City	
Ž	Approval Date:			of La Crosse that for and in consideration for the premises and of the permit to construct,							
ົ້ວ	Coples:	'EES						1		r property as above Safety of the City of La	
CTION USE ONLY	Plan Review:	\$								escriptions set forth in	
2	Permit Fee:	\$				•				plans herewith filed;	
은	Record Maintenance Fee:	\$								Il and occupy in strict	
177	Other:	\$	compliance with the ordinances of the City of La Crosse, and to obey any and all lawful orders of Fire Prevention and Building Safety of the City of La Crosse and State of								
INSPE	TOTAL:	\$		Wisconsin law		w-				oval and safety	
and a final section of the section o	Received By:	Check No:		buildings and	other str	uctures and p	ermane	nt building equ	uipment.		
Wie	PLEASE MAKE CHECKS PAYABLE TO: CITY OF LA CROSSE TREASURER  W. Great Brothers C.C. 8/18/16  (PRINT) AGENT/CONTRACTOR NAME DATE (SIGN) AGENT/CONTRACTOR NAME DATE										

(SIGN) OWNER NAME



#### **BUILDING PERMIT APPLICATION**

Fire Prevention and Building Safety 400 La Crosse St, La Crosse, WI 54601 (608) 789-7530 • Fax: (608) 789-7589

http://www.cityoflacrosse.org inspection@cityoflacrosse.org Gregg A. Cleveland, Fire Chief

Application No:
Date:
Parcel No:

	Project Add	ress: Parch	k Pk	AZA Da	-(~)*E	. /to	C Noss	<b>L</b> .	., Or	tit B			
Ш.	Building (S	Addition			Alte	ration/Re	emodel		Co	st of Project: \$1,139,	965		
3	Sign	Demolition		Intended Use of Land After Demolition:									
PROJE	Description of Work:	FOBTULS	\$ 6.	ob who be	l ne	for	Co	n 00	Bullan	ა <b>&amp;</b> .			
œ	Name: WATER 9	SCARE ONE L	he.										
- <u>LL</u>		orn Ave No		· · · · · · · · · · · · · · · · · · ·									
5	City: ONALASKA		State	e: ພາ					Zip Code:	5450			
OWNER	Phone: Cell ১৯০১ গ্রহ- ১৭০৫		Fax:			Email:	-	-	To have been supposed to the s				
or -	Name: WILSER B		0.00			CO-DAK-LONG/	Superviso	or: 🗙					
CTO	Address: 200 TW			· · · · · · · · · · · · · · · · · · ·			WIS/Cred	1/Qual: 67.5270	<b>&gt;</b>				
IRA	City: La CRESCENT	. Wy					Zip Code: \$5947						
CONTRACTOR	Phone: Cell: Fax: Email: / (507) 895-9 438 (507) 895-9 438								orothers, com				
	Zoning: PDO - SPEC		Floo	od Plain:	Yes		No:	[ <del>Q</del>					
	Number of Dwelling Units:		1	Limits:	Yes		No:						
ROPER	Property Located in Archae	Yes No D											
<u>A</u> -	Building Construction Type	Occupancy type: Residential											
R		Level of Alteration (per IEBC):											
Δ.	Architect/Engineer Name:	CHRIS LA SHUIL	NE	Architect/Engineer Phone:									
	OK TO ISSUE:	inspector initials:	***	It is hereby agreed between the applicant, as owner, owner's agent or servant, and the City									
Ž	Approval Date:			of La Crosse that for and in consideration for the premises and of the permit to construct,									
- <del>6</del>		ES		erect, alter, move, raze, or install and the occupancy of a building or property as above									
SE	Copies:	\$		described, to be issued and granted by Fire Prevention and Building Safety of the City of La									
$\supseteq$	Plan Review:	\$		Crosse, that the work thereon will be done in accordance with the descriptions set forth in this statement, and as more fully described in the specifications and plans herewith filed;									
ő	Permit Fee:	\$		and it is further agreed to construct, erect, alter, move, raze or install and occupy in strict							I		
ECTION USE ONLY	Record Maintenance Fee:	\$		compliance with the ordinances of the City of La Crosse, and to obey any and all lawful							ful		
ليا مي	Other:	\$								La Crosse and State of			
INSPI	TOTAL:	\$		Wisconsin laws relating to the construction, buildings and other structures and permane									
	Received By:	Check No:								3			
W.ES	E MAKE CHECKS PAYAB EL BROTHEUS G.C. AGENT/CONTRACTOR NA	8/1	LA CR 8/16	OSSE TREAS		TA.	Con IT/CON	- I	CTOR NAME	8/18/16 DATE	N. SELFANYENS		
	OWNER NAME		(SIGN) OWNER NAME DATE										



#### **BUILDING PERMIT APPLICATION**

Fire Prevention and Building Safety 400 La Crosse St, La Crosse, WI 54601 (608) 789-7530 • Fax: (608) 789-7589

http://www.cityoflacrosse.org inspection@cityoflacrosse.org Gregg A. Cleveland, Fire Chief

· · · · · · · · · · · · · · · · · · ·

DATE

PROJECT	Project Addr Bullding Sign Description of Work:	ess: Pack Addition Demolition		2A Da	Intend	ed Use	model of Land	After	Demolition		51,139, 965-
OWNER	City: ONALASKA Phone:   Cell:	ary State:	wı	Er	ઇાદિલ						
CONTRACTOR	Name:   Name   Br.     Address:   200   TW4     City:   La   Crescent     Phone:   Cell:   Cs.   2905	State: Fax:	Email: /								
PROPERTY	Zoning: PDD - SPECIA Number of Dwelling Units: Property Located in Archae Building Construction Type: Level of Alteration (per IEBC Architect/Engineer Name:	>	Flood Plain: Yes No:  Fire Limits: Yes No:  Yes No Occupancy type: Residential  Architect/Engineer Phone:								
INSPECTION USE ONLY	OK TO ISSUE: Approval Date:  FEE Copies: Plan Review: Permit Fee: Record Maintenance Fee: Other: TOTAL: Received By:	t a	It is hereby agreed between the applicant, as owner, owner's agent or servant, and the City of La Crosse that for and in consideration for the premises and of the permit to construct, erect, alter, move, raze, or install and the occupancy of a building or property as above described, to be issued and granted by Fire Prevention and Building Safety of the City of La Crosse, that the work thereon will be done in accordance with the descriptions set forth in this statement, and as more fully described in the specifications and plans herewith filed; and it is further agreed to construct, erect, alter, move, raze or install and occupy in strict compliance with the ordinances of the City of La Crosse, and to obey any and all lawful orders of Fire Prevention and Building Safety of the City of La Crosse and State of Wisconsin laws relating to the construction, alteration, repairs, removal and safety buildings and other structures and permanent building equipment.						nit to construct, erty as above of the City of La cions set forth in herewith filed; occupy in strict nd all lawful tate of		
PLEASE MAKE CHECKS PAYABLE TO: CITY OF LA CROSSE TREASURER  (PRINT) AGENT/CONTRACTOR NAME DATE  Check No:    Please Make Checks Payable To: CITY OF LA CROSSE TREASURER    Please Make Checks Payable To: CITY OF LA CROSSE TREASURER    Please Make Checks Payable To: CITY OF LA CROSSE TREASURER    Please Make Checks Payable To: CITY OF LA CROSSE TREASURER    Please Make Checks Payable To: CITY OF LA CROSSE TREASURER    Please Make Checks Payable To: CITY OF LA CROSSE TREASURER    Please Make Checks Payable To: CITY OF LA CROSSE TREASURER    Please Make Checks Payable To: CITY OF LA CROSSE TREASURER    Please Make Checks Payable To: CITY OF LA CROSSE TREASURER    Please Make Checks Payable To: CITY OF LA CROSSE TREASURER    Please Make Checks Payable To: CITY OF LA CROSSE TREASURER    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer    Please Make Checks Payable To: City Of La Crosse Treasurer   Please Make Checks Payable To: City Of La Crosse Treasurer   Please Make Checks Payable To: City Of La Crosse Treasurer   Please Make Checks Payable To: City Of La Crosse Treasurer   Please Make Checks Payable To: City Of La Crosse Treasurer   Please Make Checks P											

(SIGN) OWNER NAME



#### **BUILDING PERMIT APPLICATION**

Fire Prevention and Building Safety 400 La Crosse St, La Crosse, WI 54601 (608) 789-7530 • Fax: (608) 789-7589

http://www.cityoflacrosse.org inspection@cityoflacrosse.org Gregg A. Cleveland, Fire Chief

Application No:
Date:
Parcel No:

DATE

	Project Add	ress: PARK	PLAZA De	we placenoss	de vol	ON17 D					
Ш	Building 🔀	Addition		Alteration/Remode		Cost of Project: \$ 786, 825					
- <b>-</b>	Sign	Demolition		Intended Use of Lar	nd After Demo						
PROJEC	Description of Work:	Fronses &	to bud at 10	43 for Co	io8 odno	L 51106.					
œ	Name: WATER F	Peach art who			AND SECTION OF THE PROPERTY OF THE PARTY OF						
OWNER	4 1 1	oth Ave Neat	r4								
3	City: ONGLASKA	S	State: 🛶		Zip C	Code: เฟเรีย					
0	Phone: Cell <i>(</i> ৪৯७) १९५ – ১৭০3	F	ax:	Email:	The second secon	er fragtiment am general on transcribes a series of the graphy and					
<u>د</u>	Name: WILSER B	<i>NOTHERS</i>			Supe	ervisor: 🔀					
CONTRACTOR	Address: 200 TW	LITE ST.				Cred/Qual: 67.52.70					
IIRA	City: LA CRESCENT	S	State: MN		Zip C	Zip Code: 55947					
Š	Phone: Cell <i>(হু-</i> ১) ৪१ <i>५</i> -	l:   F	ax: 507)895-9 438	Email:	la (vo-(12) Les in	oser brothers, com					
	Zoning: PDD-SPECI	FIL		Flood Plain: Yes	□ N	lo; 🖳					
	Number of Dwelling Units:			Fire Limits: Yes	N	lo:					
œ	Property Located in Archae	eological District:	Yes	No D							
<u> </u>	Building Construction Type	: Wood Franks		Occupancy type: Residentina							
PROPERTY	Level of Alteration (per IEE	·									
Ω	Architect/Engineer Name:	CURIS LA SHOLNE		Architect/Engineer	Phone:						
	OK TO ISSUE:	Inspector Initials:		reed between the appli	icant, as owner	, owner's agent or servant, and the City					
Ž	Approval Date:				•	mises and of the permit to construct,					
ō	Copies:	SES \$				y of a building or property as above on and Building Safety of the City of La					
JSE	Plan Review:	\$		<del>-</del>		lance with the descriptions set forth in					
Z	Permit Fee:	\$	1 '			ecifications and plans herewith filed;					
011	Record Maintenance Fee:	\$	1	-		ve, raze or install and occupy in strict					
PECTION USE ONLY	Other:	\$		compliance with the ordinances of the City of La Crosse, and to obey any and all lawful orders of Fire Prevention and Building Safety of the City of La Crosse and State of Wisconsin laws relating to the construction, alteration, repairs, removal and safety							
INSP	TOTAL:	\$									
	Received By:	Check No:	buildings and o	buildings and other structures and permanent building equipment.							
	MAKE CHECKS PAYAB LEW BROTHERS 6.2 AGENT/CONTRACTOR NA		<u> </u>	JRER  A fully . (SIGN) AGENT/COI	−9~ NTRACTOR N	2)18/16 NAME DATE					

(SIGN) OWNER NAME



#### **BUILDING PERMIT APPLICATION**

Fire Prevention and Bullding Safety 400 La Crosse St, La Crosse, WI 54601 (608) 789-7530 • Fax: (608) 789-7589

http://www.cityoflacrosse.org inspection@cityoflacrosse.org Gregg A. Cleveland, Fire Chief

Application No:	
Date:	
Parcel No:	

DATE

L	Project Add	ress: Park	PLA	12A De	134 <u> </u>	LA CI	1055 4	Service Control	020	T E		
	Building (A.	Addition			Alterat			<u> </u>	Cost	of Proje	ct: \$ 786,	825
်ဝ	Sign	Demolition						fter Demo	lition:			
PROJE(	Description of Work:	Fronucs	Z Foi	9 17 A Cho	c 5.	FOR	CON	ro Bon	110	, 0 v		
œ	Name: WATER	Peach out h	LC.		***************************************							
Щ.	1 h . l . l		a.TV									
OWNER	City: ONGLASKA		State:	WI				Zip C	ode: 6	Meso		
	Phone: Cell জেন) প্রস্কুল- ছণ্ডস্		Fax:		En	nail:		Andrew State of the Control of the C				
×	Name: WWSER B	NOTHERS						Supe	rvisor	×		
ر رو	Address: 200 TW							WIS/	Cred/	Qual: 6	7527	0
T.A.	City: LA CRESCENT	State:	Wh			-	Zip Code: 55997					
ව්	Phone: Cel	Fax:	I									
	Zoning: PDO - SPECI	FIL			Flood F	Plain: Y	es	No	o:		**************************************	21.00 S W-7.00 F
	Number of Dwelling Units:				Fire Lin	nits: Y	'es [	No	):		. ,	,
PROPERT	Property Located in Archae	eological District:	Ye	Yes No 🔼								
<u> </u>	Building Construction Type	: Wood FRAME!	0	Occupancy type: Resibential								
RC	Level of Alteration (per IEE	BC): —										
Δ.	Architect/Engineer Name:	CARIS LA SHOLE	ΝE	Architect/Engineer Phone:							<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	
	OK TO ISSUE:	Inspector Initials:		It is hereby ag	reed betw	veen the	apolicant	as owner.	owner's	agent or	servant, and	the City
∐ے	Approval Date:	The state of the s		of La Crosse th						_		•
র্ত	Coples:	ES		erect, alter, me						- '		
SE	Plan Review:	\$		described, to b Crosse, that th		_				_	•	•
<b>)</b>	Permit Fee:	Ś		this statement							•	
Ō	Record Maintenance Fee:	\$		and it is furthe	r agreed 1	to constr	uct, erect	, alter, mov	e, raze o	r install a	ind occupy in	strict
ا ر	Other:	\$		compliance wi				•		•	•	vful
Ω.,	TOTAL:			orders of Fire Prevention and Building Safety of the City of La Crosse and State of Wisconsin laws relating to the construction, alteration, repairs, removal and safety								
and the same of the same of	Received By:	\$ Check No:		buildings and other structures and permanent building equipment.								
Section 1	кеселчеа ву:	Check No:										
PLEASE MAKE CHECKS PAYABLE TO: CITY OF LA CROSSE TREASURER  WIESEL BROTHERS G.C. 8/18/16  (PRINT) AGENT/CONTRACTOR NAME DATE  (SIGN) AGENT/CONTRACTOR NAME DATE												

(SIGN) OWNER NAME

## **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.									
circur garag that p	The property has a special or unique condition. The property must have or physical features which prevent compliance with the ordinance. The stances of an applicant, such as growing family or need for a larger e, are not legitimate factors in meeting this standard. Property limitations event ordinance compliance and that are not unique but common to a er 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.								