

Board of Zoning Appeals Variance Application

(To be completed by City Clerk or Zoning Staff)

City of La Crosse, Wisconsin

Application No.: 2579 Filing Fee: \$250.00
 Date Filed: 4/5/17 Date Paid: 4/5/17
 Application Complete: Yes X No _____ Reviewed By BT (Initial)

(To be completed by the applicant)

Application Deadline: By 5:00 PM the first Wednesday of every month.

Building Permit Application Deadline: 10 Calendar Days prior to first Wednesday of every month for the Inspection Department to provide review. Any building permit submitted after deadline must wait until the following Board of Zoning Appeals meeting.

	Owner / Agent	Contractor
Name	<u>Diana Hobson</u>	<u>Sarah Pederson</u>
Address	<u>420 15th St. S</u> <u>La Crosse WI 54601</u>	<u>Lucid Painting</u> <u>PO Box 414</u> <u>Coon Valley WI 54623</u>
Phone	<u>608 498 0582</u>	<u>608 452 2969</u>

Legal Description: No. Addition N 1/2 lot 5 + all lot 7
Block 2, City of La Crosse, Wis.

Tax Parcel Number: 17-10072-60

Lot Dimensions and Area: 100 x 142 feet. = 14200 sq. ft.

Zoning District: Retail

Requesting signage approval on two buildings of this parcel.
 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 Inspection Department 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. 1229 Caledonia St; located on the west side of Caledonia St, behind 1225 Caledonia. Former use as a storage unit. Cement block mini warehouse renovated to a wine production facility with tasting room. Conditional use permit granted 2014, renovation 2015.

1223 1/2 Caledonia St: west side of Caledonia St, renovated storage unit now used as winery warehouse.

(b) Proposed Use.

1229: Continued use as a production / wine tasting facility
1223 1/2: continued use as warehouse storage.

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

None except as noted above

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

None

(e) Ordinance standard from which variance is being sought (include code citation). Section 111
Proposed signage meets all of the signage requirements with the exception that the signage "does not face a public street or principal parking lot."

(f) Describe the variance requested.

The ability to add signage (painted on building) to the south and west walls of 1229 Caledonia St. And a magnetic sign on the west side of 1223 1/2 Caledonia St.

(g) Specify the reason for the request. Current ordinance requires signage to face a street or parking lot. These buildings have visibility from Rose St and Copeland Ave but they face an alley. Proposed signage on south wall of 1229 Caledonia St does face a parking area.

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

Very limited to zero public access as people do not have a visual sign of location or purpose/usage of the buildings.

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.

None available

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

None available

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.

*Although visible from Rose St And Copeland Ave,
the two buildings face An Alley.*

- ☐ **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: *None. Signage will be painted on the west and south sides of 1229 Caledonia St.*
 Mitigation measure(s): *This will occur over a 5 day period weather permitting. There will be no disruption to the current use of the Alley.*
 Extent to which mitigation reduces project impact: *Signage on 1223 1/2 Caledonia St will be magnetic and affixed to overhead door.*
- Impact:
 Mitigation measure(s):
 Extent to which mitigation reduces project impact:

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

- Impact: The painted signage on 1229 Caledonia St. will
 Mitigation measure(s): be in the "trompe l'oeil" style.
 Extent to which mitigation reduces project impact: It will appear to have a three dimensional aspect.
- 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: This variance would provide a greater public
 Mitigation measure(s): draw interest in exploring the newly
 Extent to which mitigation reduces project impact: branded "Uptowne!" Area.
 The location is in what is noted as a "significant intersection" of the Highway 53 Corridor. This is an approach route to this commercial / retail section of North LaCrosse.
- 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. Without the ability to add signage people would be unable to find it. The address does not show up on GPS.

☐ 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"

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) _____

Date: _____

Signed: (Owner, if different from applicant) _____

Date: _____

THE APPLICANT OR AGENT

THE OWNER

By: _____

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

Personally came before me this 24th day of March, 2017, the above named applicant to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Barbara A. Benson

Notary Public, La Crosse County, WI

My commission expires: 12-26-2017.

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

Personally came before me this _____ day of _____, 2015, the above named _____ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public, La Crosse County, WI

My commission expires: _____.

Bm
Bank

North

Clinton St.

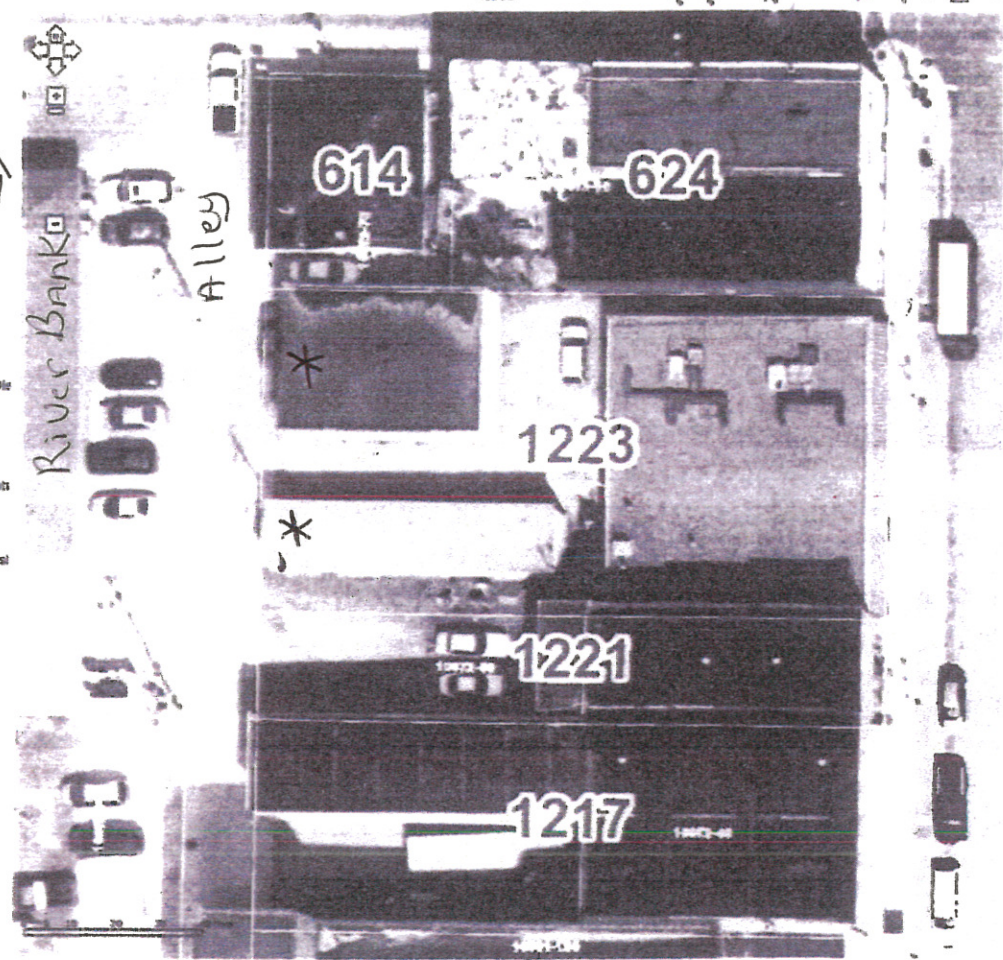
1:300

Stop lights

Copeland

- Contour Index
- 5 Foot Index Contours
- Contour Intermediates
- 1 Foot Intermediate Contours
- Basemap
- Property Addresses
 - Tax Parcels
 - Zoning
 - Zoning
 - Airport Zoning
 - Public Safety
 - Transportation
 - Administrative Boundaries & Dis
 - Education
 - Recreation
 - Storm Water Utility
 - Water Resources and Flood Data
 - City and State Boundaries
- Imagery 2011
- LACROSSE_RGB_projected_2011.s

Rose St.



Caledonia St.

1229 1223 1/2
* *

Buildings requesting
Signage Approval

North

D. Hobson & D. A. Vintners

Option A

Wheat wall

#20

Rail Lodge

18"

Down Spout 10'

4'

15'

NO PARKING

5.5'

2.5'

2.5'

3'

© Jacob Vintners 2016
4.5'

11'



Garage Door

10'

3 1/2'

I

← 20' →



Photo Shopped for Scale

6" x 8"

This section 8" x 5'

4' x 2.5'

Bottle: 9.5' x 3'

2.5' x 5.5'

This section 8" x 4.5'

3" x 8"

Liquid Spinning
© Sarah Pederson

6" x 8" | This section 8" x 5' | 3" x 8"

4' x 2.5'

Bottle: 9.5' x 3'

2.5' x 5.5'

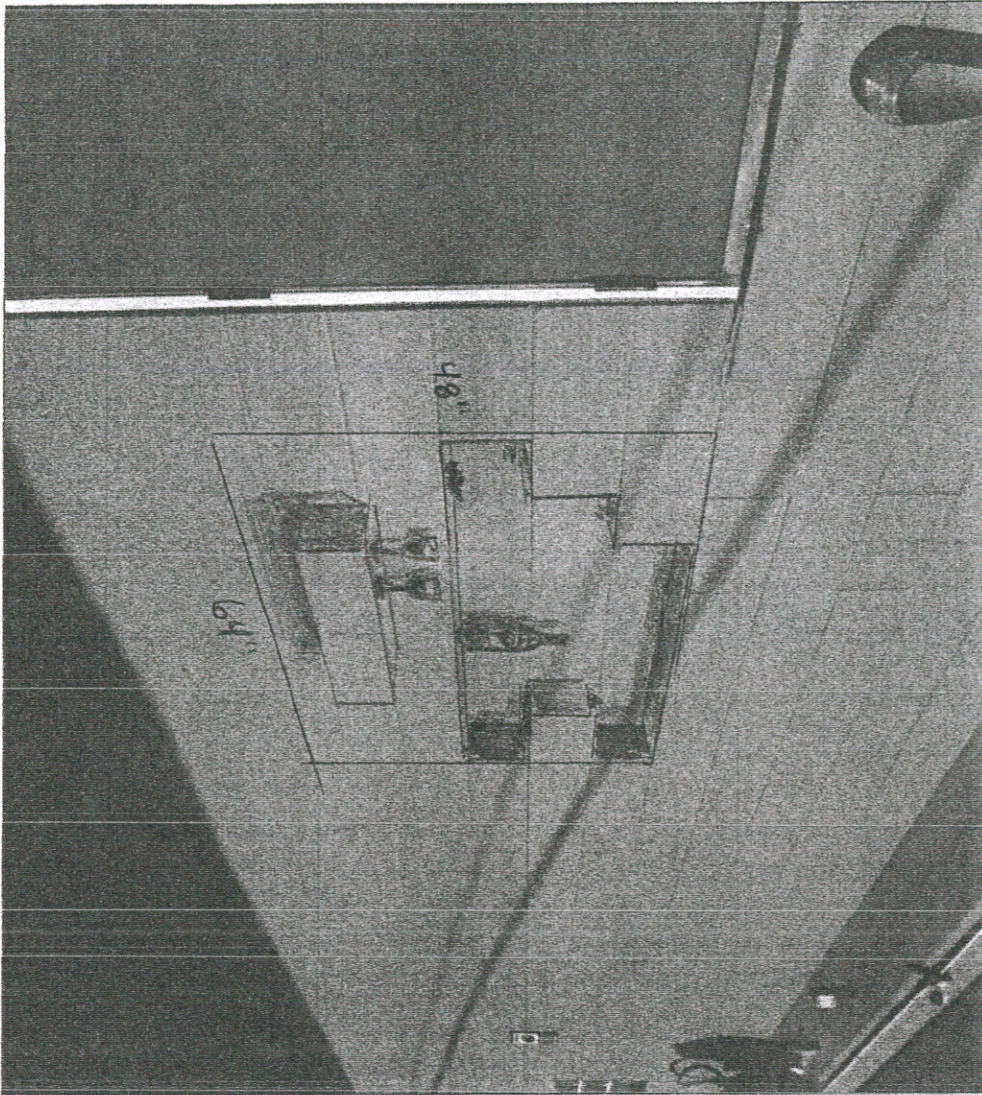
This section 8" x 4.5'

Liquid Spinning
© Sarah Pederson

PAINTERS

D. Hobson eDNA Vintners
South wall

Option B



©Jarrah J. Peterson 2016

21 Sept

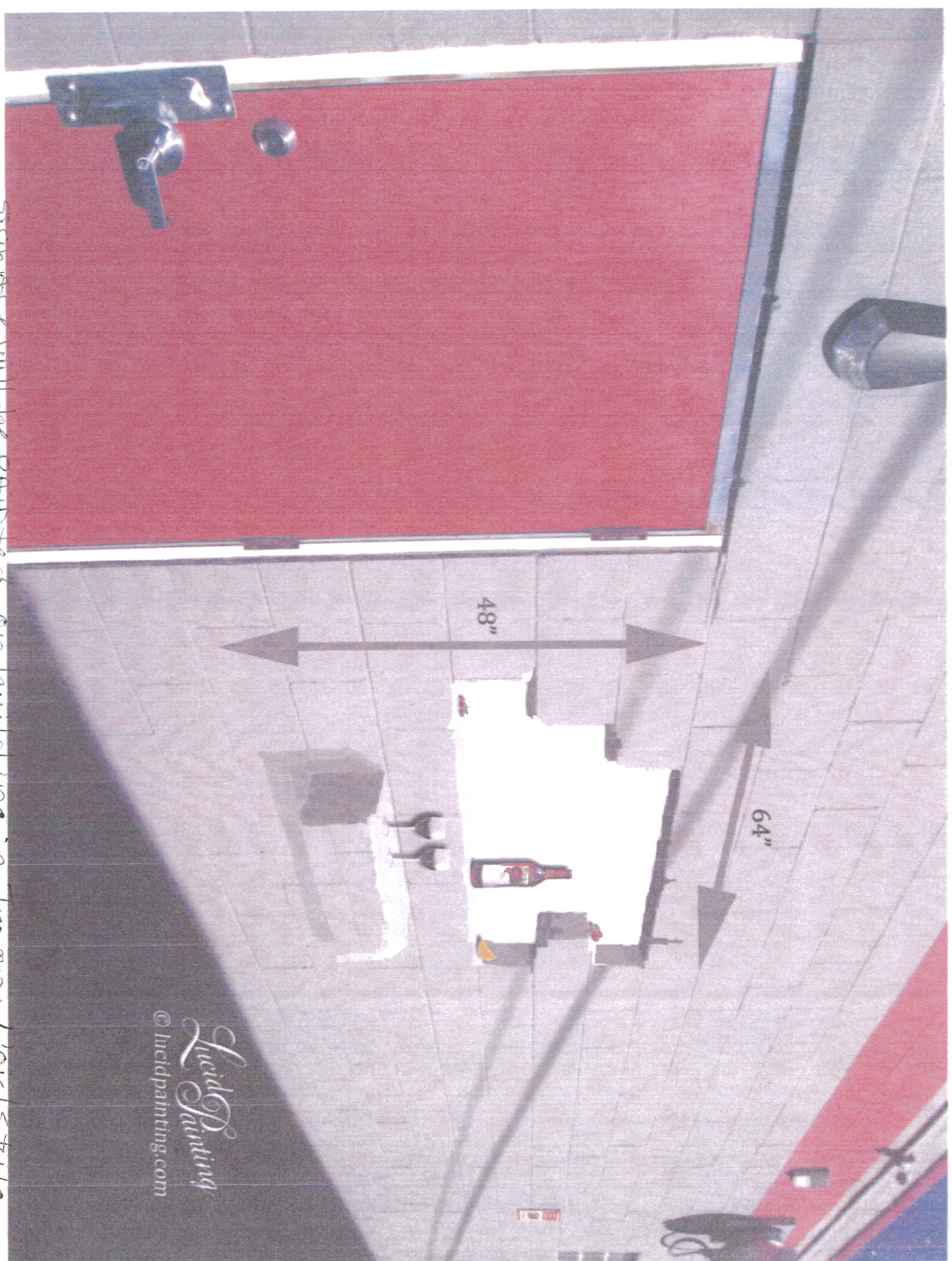
48"

64"

© LucidPainting.com

64"

Signage will be painted on building in Trompe L'oeil style.



LucidPainting
© lucidpainting.com

1329 Caldonia St

West wall = 35' wide x 12' tall = 420 sq ft x .25 = 105 sq ft

South wall = 46' wide x 13' tall = 598 sq ft x .25 = 150 sq ft



1329

alley

1223 1/2

1229' Cal. down at
 West wall = 35' wide x 12' tall = 420 sq ft x .25 = 105 sq ft
 South wall = 46' wide x 13' tall = 598 sq ft x .25 = 150 sq ft

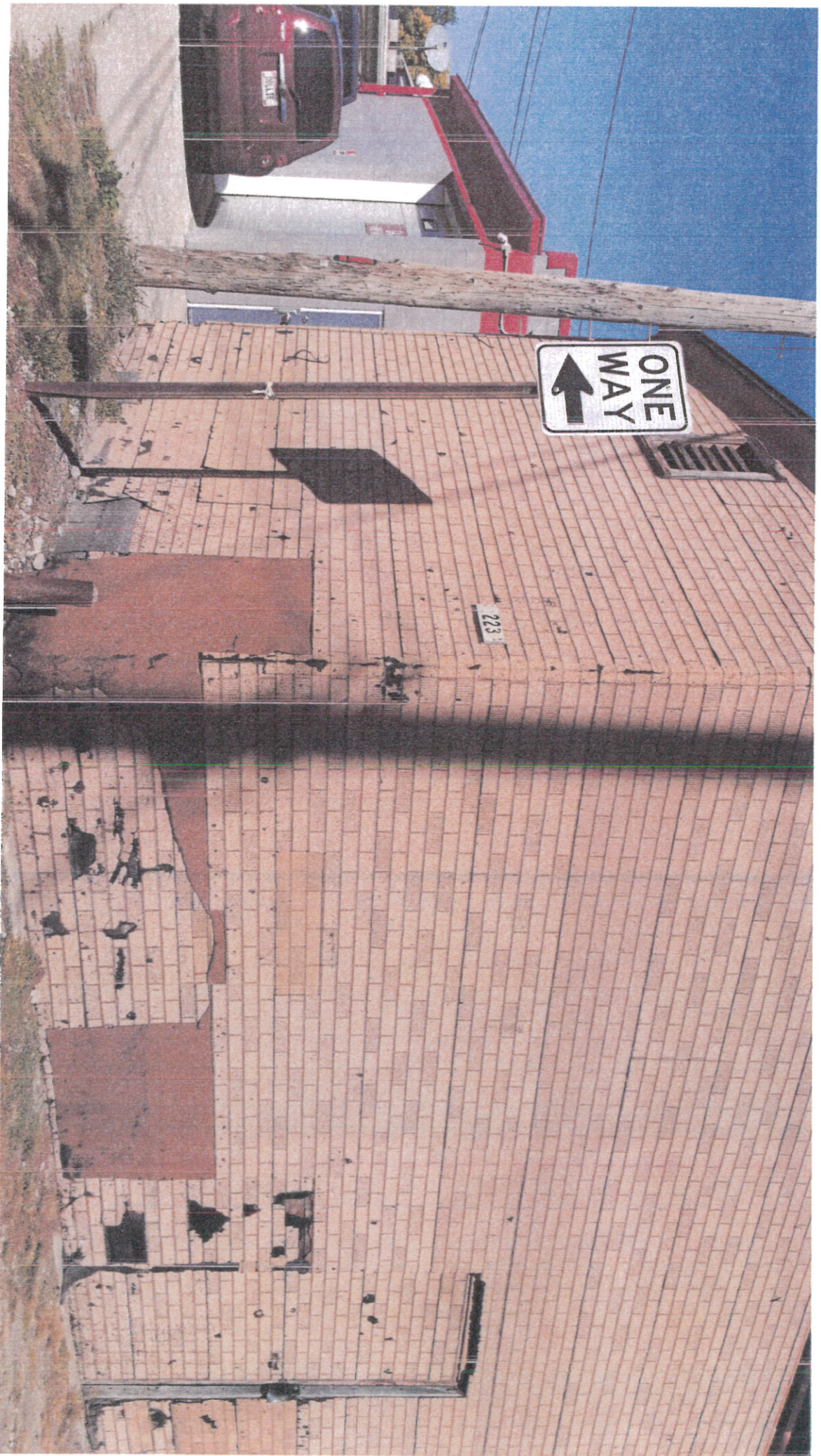


alley

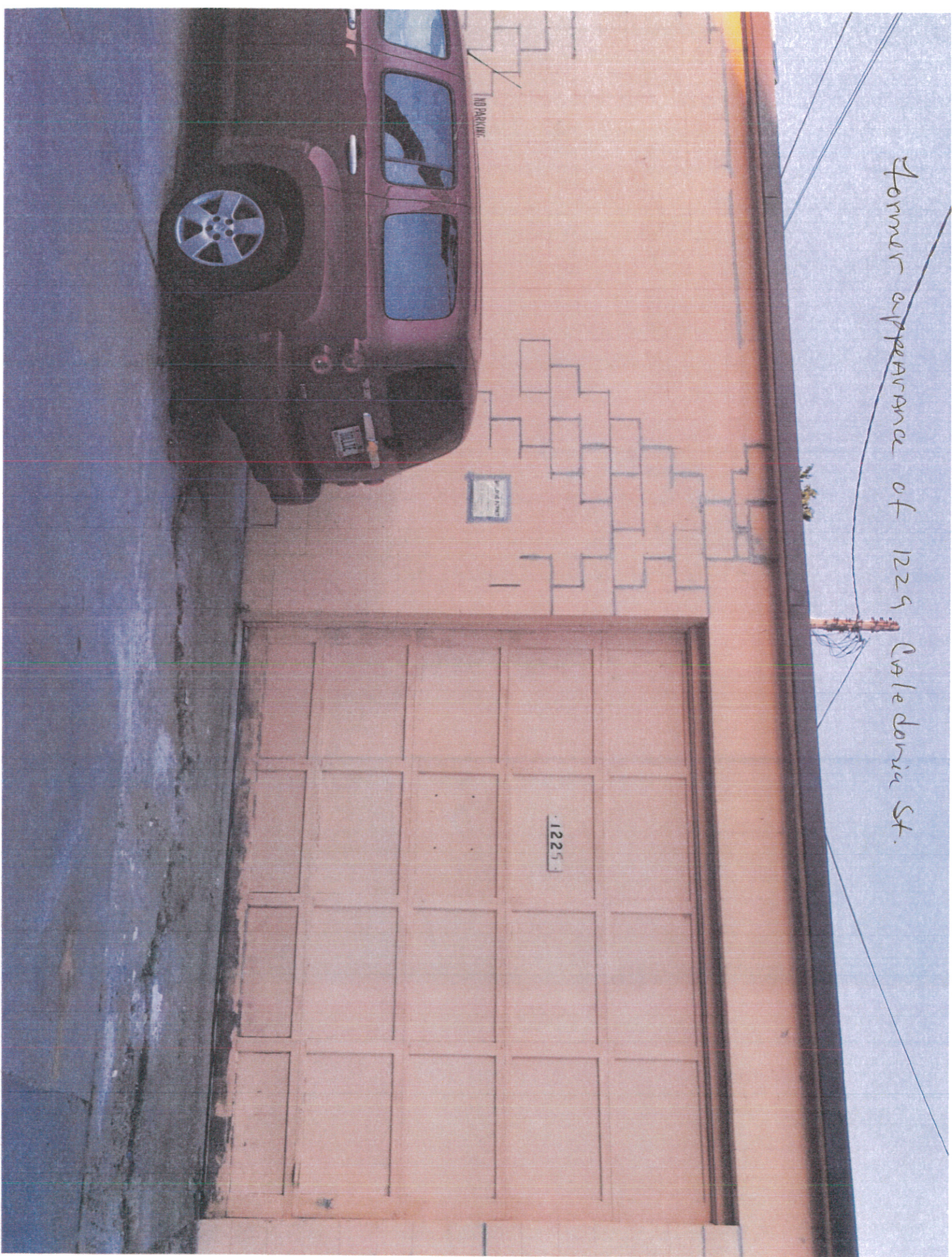
1223 1/2
CMT 12/10/14



former appearance of 1223 1/2 Caledonia



former appearance of 1229 Caledonia St.



1229 Caledonia

