



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



May 1, 2017

City of La Crosse
400 La Crosse St.
La Crosse Wi 54601

RE: An appeal regarding the requirement that fill around the perimeter of a building shall be not less than one foot below the flood protection elevation and shall extent at least 15 feet beyond the limits of any structures at 721 Charles St. La Crosse, Wisconsin.

Dear City of La Crosse:

We have received your building permit application to erect a single family dwelling that *does 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:

Sec. 115-3. - Interpretation, purpose and conflict.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this chapter shall govern.

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

Sec. 115-281. - Floodfringe District (FF).

(3) Standards for development in floodfringe areas. Section 115-276 shall apply in addition to the following requirements according to the use requested.

a. *Residential uses.* Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area shall meet or exceed the following standards:

1. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The DNR

CITY OF LA CROSSE

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may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical;

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 3 variances. 1) 9 feet (9'0") on the north side. 2) Nine feet (9'0") on the south side and nine feet six inches (3'0") on the east side to the fifteen foot (15'0") requirement of elevated fill beyond the limits of the structure to allow this project to proceed as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Thielen", with a long horizontal flourish extending to the right.

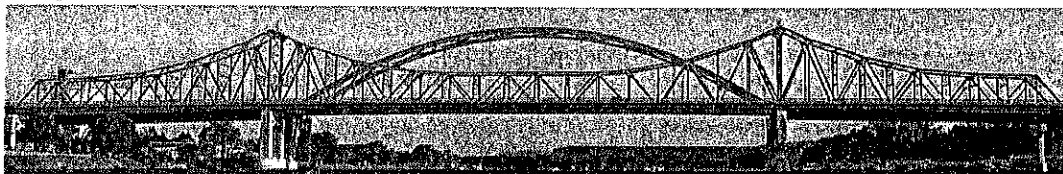
Brent Thielen
Building Inspector

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La Crosse County

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721 CHARLES ST LA CROSSE

Parcel: 17-10066-70 Internal ID: 24466
 Municipality: City of La Crosse Record Status: Current

Print View

Parcel Information:

Parcel: 17-10066-70
 Internal ID: 24466
 Municipality: City of La Crosse
 Record Status: Current
 On Current Tax Roll: Yes
 Total Acreage: 0.163
 Township: 16
 Range: 07
 Section: 29
 Qtr: SE-NW

Parcel

Taxes

Outstanding Taxes

Assessments

Deeds

Permits

History

Legal Description:

MC CONNELL & WHITTLESEY ADDN LOT 10 EXC W 8 FT BLOCK 7 LOT SZ: 50 X 142 (TWO HOUSES)

Property Addresses:

Street Address	City (Postal)
721 CHARLES ST	LA CROSSE
723 CHARLES ST	LA CROSSE

Owners/Associations:

Name	Relation	Mailing Address	City	State	Zip Code
CITY OF LACROSSE	Owner	400 LA CROSSE ST	LA CROSSE	WI	54601

Districts:

Code	Description	Taxation District
2849	LA CROSSE SCHOOL	Y
1	Book 1	N

Additional Information

Category	Description
2012+ VOTING SUPERVISOR	2012+ Supervisor District 2
2012 + VOTING WARDS	2012+ Ward 5
POSTAL DISTRICT	LACROSSE POSTAL DISTRICT 54603
Use	2 HOUSES ON 1 LOT

Lottery Tax Information ⓘ

Lottery Credits Claimed: 0
 Lottery Credit Application Date:

La Crosse County Land Records Information
 (Ver: 2016.9.28.0)

[Site Disclaimer](#)

Graphic Scale

(IN FEET)

33

9

Block 7

16' Alley

SITE PLAN

Littlesey's

McConn...

ONE

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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.