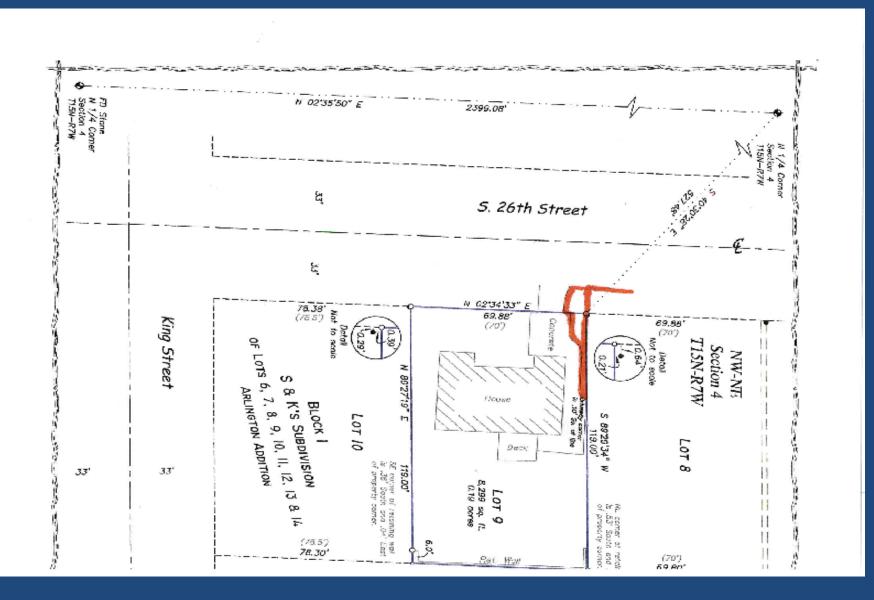
Board of Zoning Appeals

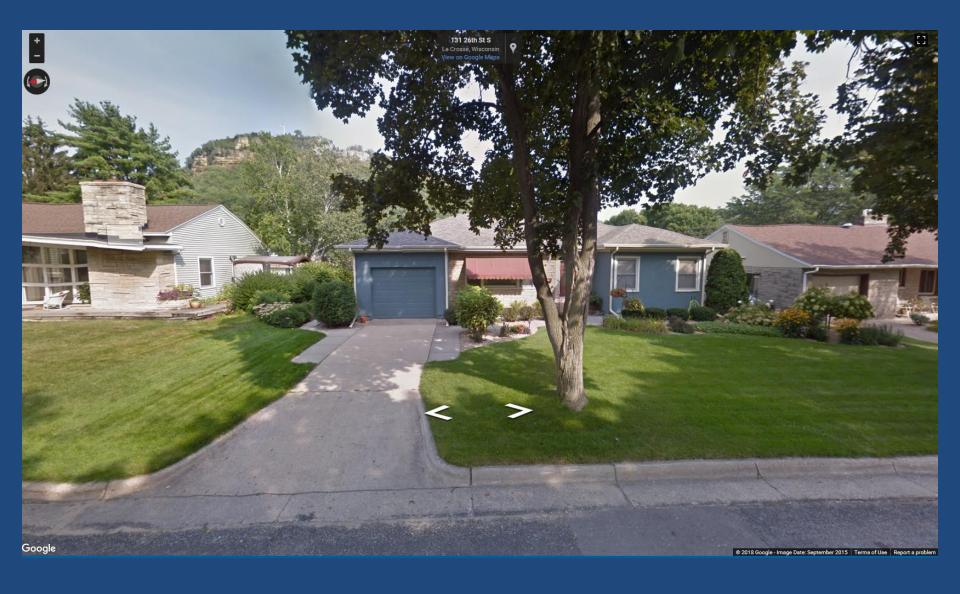
July 18, 2018

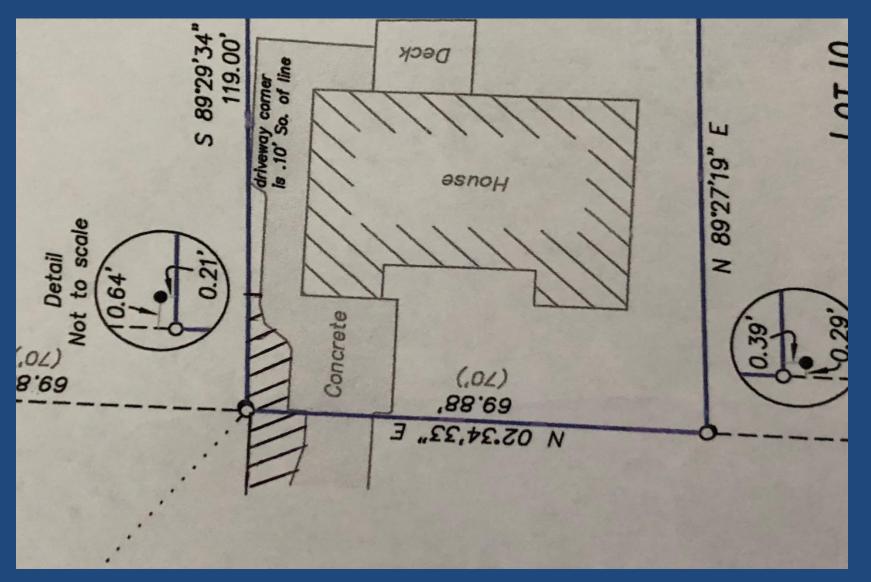
7:00 PM

- The owner has applied for a permit to add onto his driveway.
- Municipal Code 115-143 (2) states that the entire front yard shall be graded, seeded or sodded in a manner which will produce an acceptable lawn excepting such areas as may be required for driveways and sidewalks.
- Municipal code section 115-395 prohibits parking of any automobile, truck, motorcycle, boat, trailer or other motor vehicle in the front yard of the premises.
- 2 variances will need to be granted for this project to proceed as proposed. 1) A variance to allow paving of a non-required driveway in the front yard. 2) A variance to allow parking in the front yard on a non-required driveway.











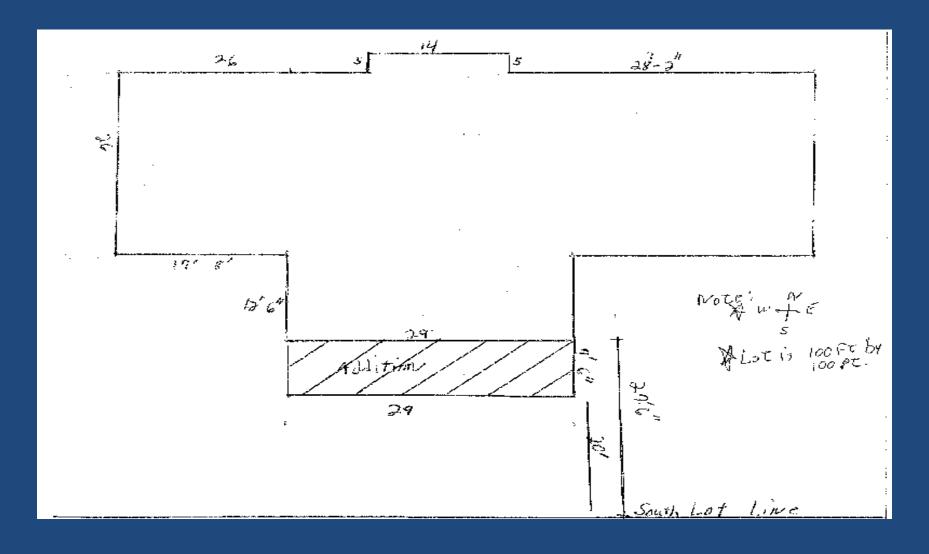


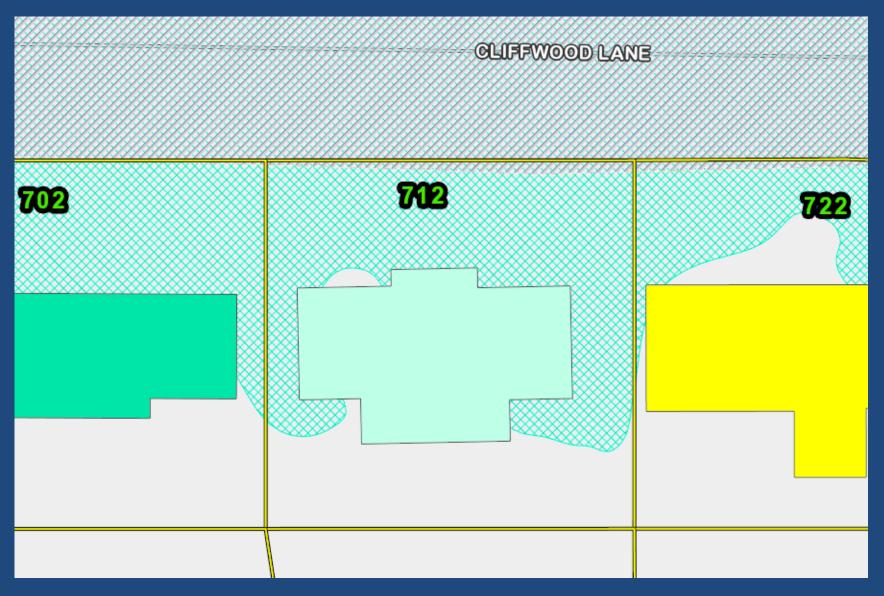




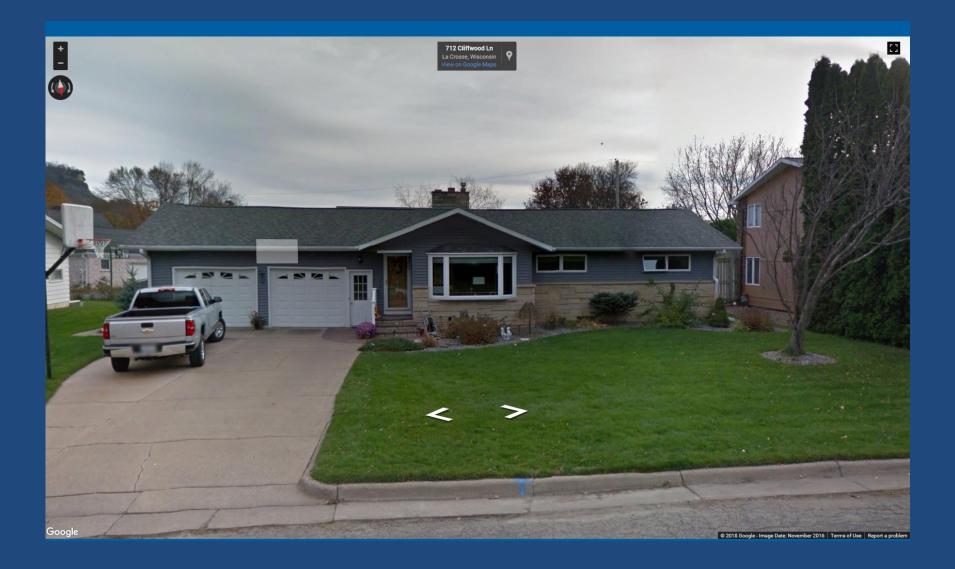
- The owner has applied for a permit to construct an addition at this address.
- Municipal code section 115-281(3)(a)(1) states that the lowest floor elevation shall be at or above flood protection elevation and the fill shall extend 15' beyond the limits of the structure at 1' above the BFE.

- Municipal code section 115-222 states that no modification or addition to any non-conforming structure or any structure with a non-conforming use, which over the life of the structure would equal or exceed 50 percent of its present equalized assessed value, shall be allowed unless the entire structure is changed to a conforming use in compliance with the applicable requirements of this division.
- For this project to proceed as proposed 2 variances will need to be granted. 1) a variance of 15' to the 15' perimeter fill requirement. 2) a variance to allow the owner to exceed the 50% threshold by \$100,000 Or 64.5 percent for this structure.









State of Wisconsin DEPARTMENT OF NATURAL RESOURCES 101 S. Webster Street Box 7921 Madison W 53707-7921

Scott Walker, Governor Daniel L. Meyer, Secretary Telephone 608-266-2621 Toll Free 1-888-936-7463 TTY Access via relay - 711



June 15, 2018

Philip Nohr, Chair City of La Crosse Board of Appeals 400 La Crosse Street La Crosse, WI 54601

Subject: Variance Appeal of Eugene & Betty Linse - 712 Cliffwood Lane, Parcel 17-30190-110

Dear Mr. Nohr:

This letter is in regard to the variance request submitted by Eugene and Betty Linse for the property located at 712 Cliffwood Lane, La Crosse, WI. The FEMA FIRM Panel 55003C0262D with the effective date of January 2, 2012 indicates that this property is located in a Zone AE, flood fringe and is a legal non-conforming structure. Zoning nonconformities are existing uses, structures or lots that were legally established prior to a change in floodplain provisions and which do not comply with today's ordinance standards. Section 115-59 of the La Crosse FP Ordinance outlines the requirements for existing non-conforming structures.

The intent of this ordinance provision is to prevent existing buildings from being turned into a new or substantially improved building, therefore increasing the value of the structure without protecting them from flood risk and meeting new development standards. New development standards are designed to reduce risk and mitigate loss during a flood events. The proposed improvements constitute development per Federal, State, and local floodplain management regulations. The variance standards are based on the general principal of zoning law that variances pertain to the piece of property and are not personal in nature. Federal Code CFR 60.3 does not allow structures to be substantially improved without the structure being floodproofed to the regional flood elevation height.

The National Flood Insurance Program (NFIP) is based on a mutual agreement between the Federal Government and the community. In addition, the State of Wisconsin has floodplain management requirements which are located in State Statute (Chapter 87.30) and the Wisconsin Administrative Code (NR116). The floodplain ordinance the City adopted incorporates both Federal and State minimum standards. Federally-based flood insurance is made available in those communities that agree to regulate and enforce their floodplain ordinance. The Department of Natural Resources (DNR) is a partner with the Federal Emergency Management Agency (FEMA) on the NFIP and we work with communities on the implementation and enforcement of their Floodplain Zoning Ordinance as outlined in Federal Code 44 CFR 60.25.

Unique Property Limitations: The applicant must demonstrate unique property conditions which are not common to adjacent lots or premises. There are no unique characteristics to the property in this case that differs from any other property within the floodplain. All non-conforming floodplain properties within the City of La Crosse are subject to the same 50% limitation. In fact, these floodplain standards are applied

throughout the State of Wisconsin in all municipalities. There are no unique property limitations preventing the applicant from meeting the ordinance requirements.

Page 2

No Harm to Public Interest: A variance may not be granted which results in harm to public interest. Public interest can be determined from the general purpose of the floodplain ordinance as well as the purpose of a specific ordinance provision. It can be analyzed as the short-term, long-term, and cumulative impacts of the variance request on the neighbors, community, and statewide public interest. The incremental benefits of allowing the development are outweighed by the increased costs of future flood damage.

Unnecessary Hardship: An unnecessary hardship exists only if the property owner shows that they would have no reasonable use of the property without a variance. A variance is intended to provide only the minimum relief necessary to preserve a reasonable use of the property. In all applicable Federal, State and local variance criteria, a variance cannot be granted for an economic gain or loss. Granting a variance for construction in the floodplain based on financial hardship only increases the probability that the owner will suffer high health and safety risk as well as monetary adversity.

Please be aware that Wisconsin Statutes provides the opportunity for certiorari review of the variance under s. 62.23(7)(e). NR116.22 outlines additional enforcement actions that the Department may take to ensure community compliance with the Ordinance. In addition, if the variance was granted as is, The City of La Crosse Board of Appeals may encounter difficulty meeting NFIP standards. FEMA can review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound floodplain management, FEMA could take appropriate action up to and including suspending the community from the National Flood Insurance Program (NFIP).

It is the responsibility of the Board of Adjustment to assure that the statutory standards for the granting of a variance are met. The Department appreciates your commitment to City of La Crosse floodplain management program and the continuing protection of life, health and property.

Sincerely

Michelle J. Staff, CFM

State National Flood Insurance Program Coordinator

Dam Safety and Floodplain Section

Cc: Lewis Kuhlman, City of La Crosse Environmental Planner (via-email)
Michelle Hase, DNR, regional Water Management Engineer (via-email)
Tylon McGee, FEMA Region V, Floodplain Management and Insurance Branch (via-email)

dnr.wi.gov

Naturally WISCONSIN



	OMB No. 1880-0008 Expiration Date: July 31, 2015				
	SE	CTION A - PROPE	TY INFORMA	TION	FOR INSURANCE COMPANY USE
A1 Building Owner's Name Eu		Policy Number			
A2 Building Street Address (including Apt., Unit, Sylte, and/or Bidg, No.) or P.O. Route and Box No. 712 Climbood Lane					Company NAIC Number
City La Crosse		State Wt	ZIP Code 54	501	
A3. Property Description (Lot an Parcel # 17-30190-110 Lot 8, BI	d Block Numbers, Tax Parcellock 2, Hoeschier Ciffwood	el Number, Legal Descr Tectade	iption, etc.)		
A4. Bulkting Use (e.g., Residentition) A6. Lahluder/Longitude: Lat. 43.8 A6. Attach at least 2 photograph A7. Building Diegram Number 2 A6. For a building with a crawlep a) Square feologe of crawle b) Number of permanent floor anclosure(s) within 1.0	ial, Non-Residential, Add'tio. 34605 Long91.213699 is of the building if the Certifi 608 or enclosure(s) page or enclosure(s) ad openings in the crewispe 1008 above adjagont grade	n, Accessory, etc.) Real Horizontal Datum: cate is being used to at as it.	NAD 1927 [2] N tain flood insural A9. For a bui a) Squa b) Numi	nce ding with an atta re footage of atta	ched garage 940 sq fl flood openings in the attached garag
 e) Total net area of flood op d) Engineered flood opening 		ad in	c) Total		openings in ASLb ec in
	SECTION 8 - FLOO	D INSURANCE RAT			
B1. NFIP Community Name & Co. City of Le Crosse #555582		B2. County Name La Crosse			B3. State Wi
84. Map/Panel Number 85 56063C0262D 0.	Suffix 86. FIRM Index 252D Jan. 6, 201	Date B7 FIR: Effective/Re Jan. 6.	wised Date	B8. Flood Zone(s)	B9 Base Flood Elevation(s) (Zon AO, use base flood depth) 655 0
Indicate elevation datum used to lis the building located in a Cost Designation Date:	atel Berrier Resources Syste	m (CBRS) area or Oth	VD 1988 □ enwise Protected I OPA	Olhen/Source: Area (OPA)?	Yes ⊠ No
	SECTION C - BUILDING	ELEVATION INFO	RMATION (SU	RVEY REQUIR	ED)
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ELEVATION CERTIFICATE, page 3

Building Photographs See Instructions for Item A6.

IMPORTANT: In these spaces, copy the corresponding information from Section A. Building Street Address (Including Apr., Unit, Suite, and/or Bldg No.) or P.O. Route and Box No.

FOR INSURANCE COMPANY USE Policy Number:

City La Crossa

State W

ZIP Code 54601

Company NAIC Number:

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for item AB. Identity all photographs with date taken; "Front View" and "Rear View", and, if required, "Right Side View" and "Left Side View" and "Left Side View" and "Left Side View" and "Left Side View" and "Rear View", When applicable, "photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Front

Right



Rear

Left

FEMA Form 086-0-33 (7/12)

Replaces all previous editions.



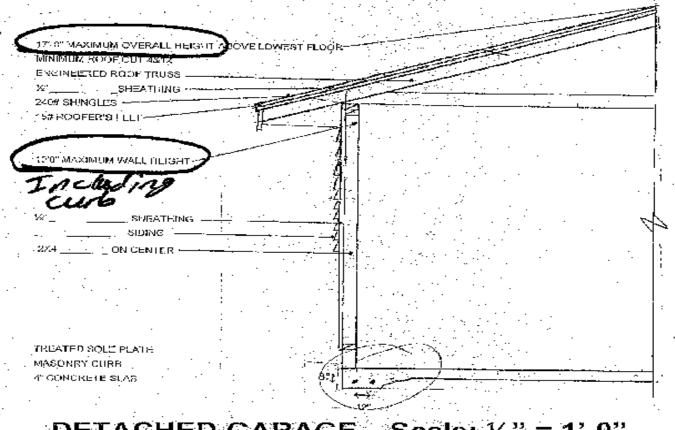
- The owner had applied for a permit to construct a detached garage. Upon inspection it was discovered that the wall height was 11'1 " tall.
- Municipal code section 115-390(1)(d)(1) states that the overall wall height cannot exceed 10' from the lowest floor elevation.
- For this project to proceed as proposed a variance to allow the wall height of a detached garage to exceed 10' will be required by 1'1" would need to be granted.

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Permit Packet v20:80717

B-AC-003873-2018

DETACHED GARAGE OR SHED SECTION PLAN



DETACHED GARAGE Scale: 1/2" = 1'-0"





- The owner had applied for a permit to construct a detached garage. Upon inspection it was discovered that the height of the detached garage exceeded the maximum height limitation by 1'6'.
- Municipal code section 115-390(1)(d)(1) states that the overall maximum height of a detached garage may not exceed the overall height of 17' from the lowest floor elevation.
- For this project to proceed as proposed a variance to allow the overall height of a detached garage to exceed the 17' maximum height 1'6" would need to be granted.

