Board of Zoning Appeals

June 20, 2018

7:00 PM

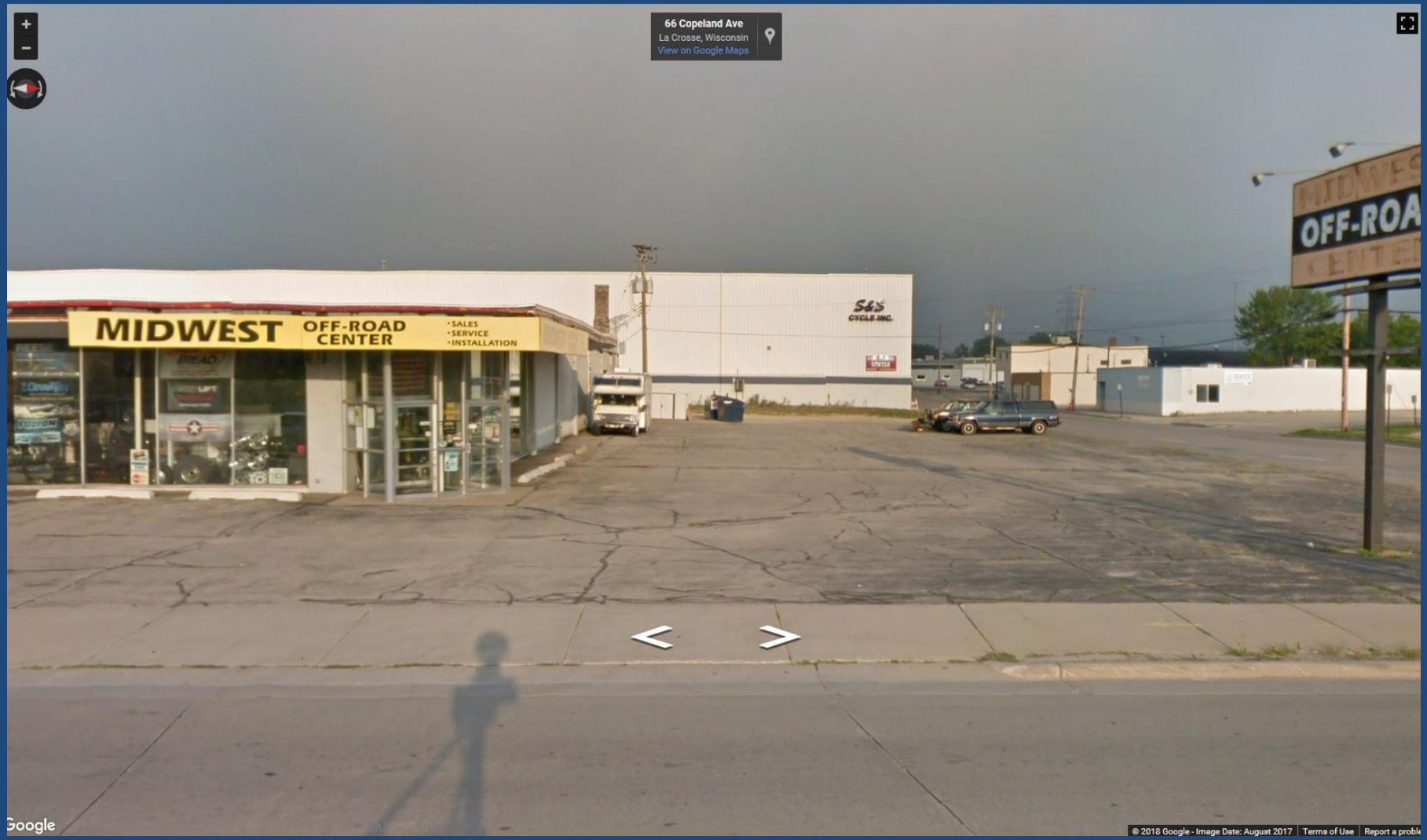
322 Causeway Blvd.

- The owner is proposing to install a wall sign that does not face a street or principal parking lot.
- Municipal code 111-94 states that wall signs may be placed on no more than 2 walls and only face a public street or the principal parking lot of the structure.
- A variance to allow a wall sign not to face the public street or the structures principal parking lot will need granted to allow this project to proceed as proposed.

322 Causeway Blvd.

322 Causeway Blvd.

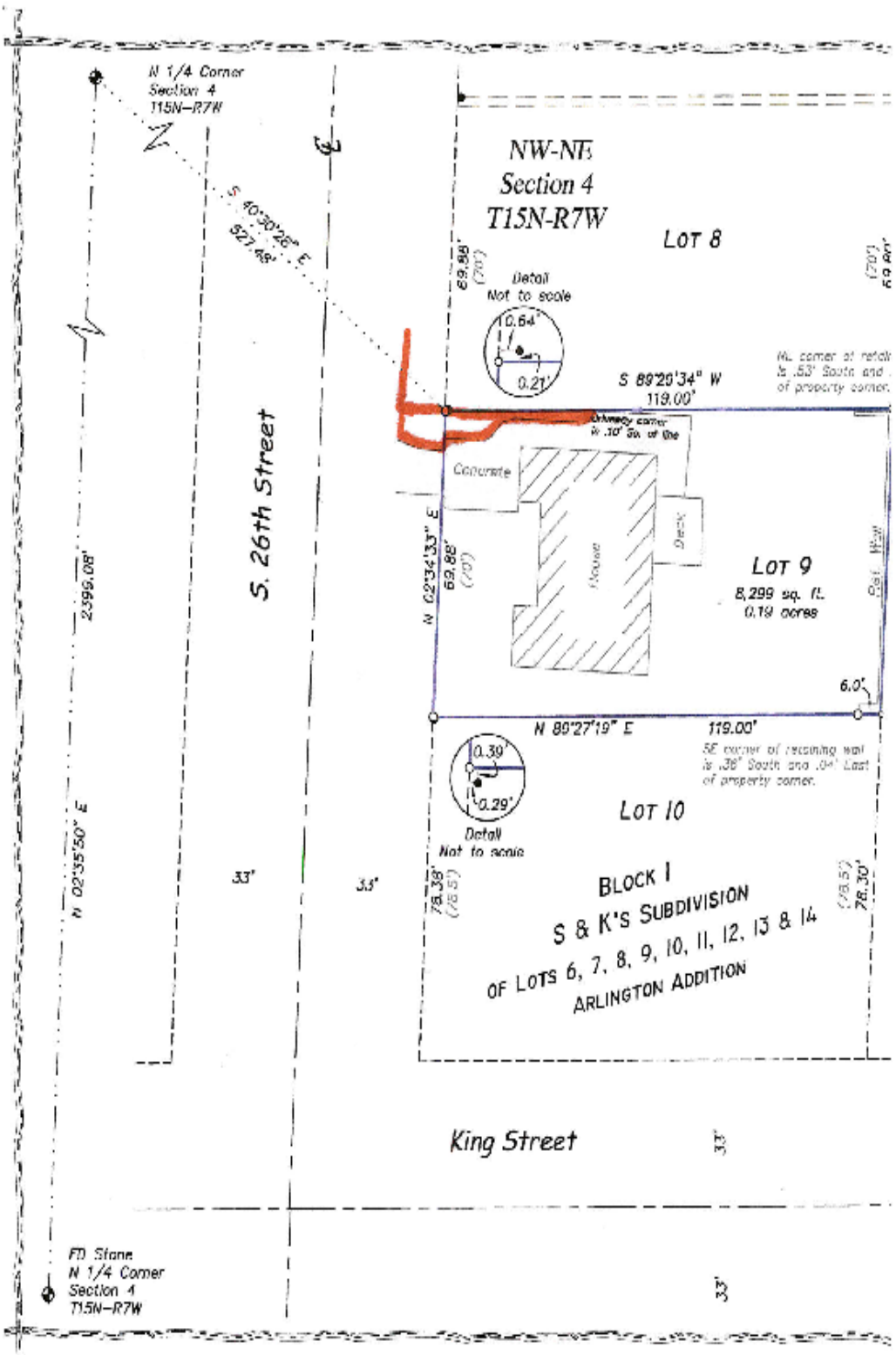
322 Causeway Blvd.



131 26th St. S.

- 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.

131 26th St. S.


N 1/4 Corner
Section 4
T15N–R7W
S 40°20'26" E
921.48'
NW-NE
Section 4
T15N-R7W
LOT 8
69.88'
(70')
Detail
Not to scale
0.64'
0.21'
S 89°29'34" W
119.00'
NE corner of retail is .53' South and . of property corner.
Driveway corner is .10' So. of the
Concrete
House
Deck
Ref. Mon.
N 02°34'33" E
69.88'
(70')
LOT 9
8,299 sq. ft.
0.19 acres
6.0'
N 89°27'19" E
119.00'
SE corner of retaining wall is .38' South and .04' East of property corner.
0.39'
0.29'
Detail
Not to scale
LOT 10
BLOCK 1
S & K'S SUBDIVISION
OF LOTS 6, 7, 8, 9, 10, 11, 12, 13 & 14
ARLINGTON ADDITION
78.38'
(78.5')
78.30'
(78.5')
2399.08'
N 02°35'50" E
S. 26th Street
33'
33'
King Street
33'
33'
FD Stone
N 1/4 Corner
Section 4
T15N–R7W

131 26th St. S.

131 26th St. S.

131 26th St S
La Crosse, Wisconsin
View on Google Maps
Google
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Report a problem

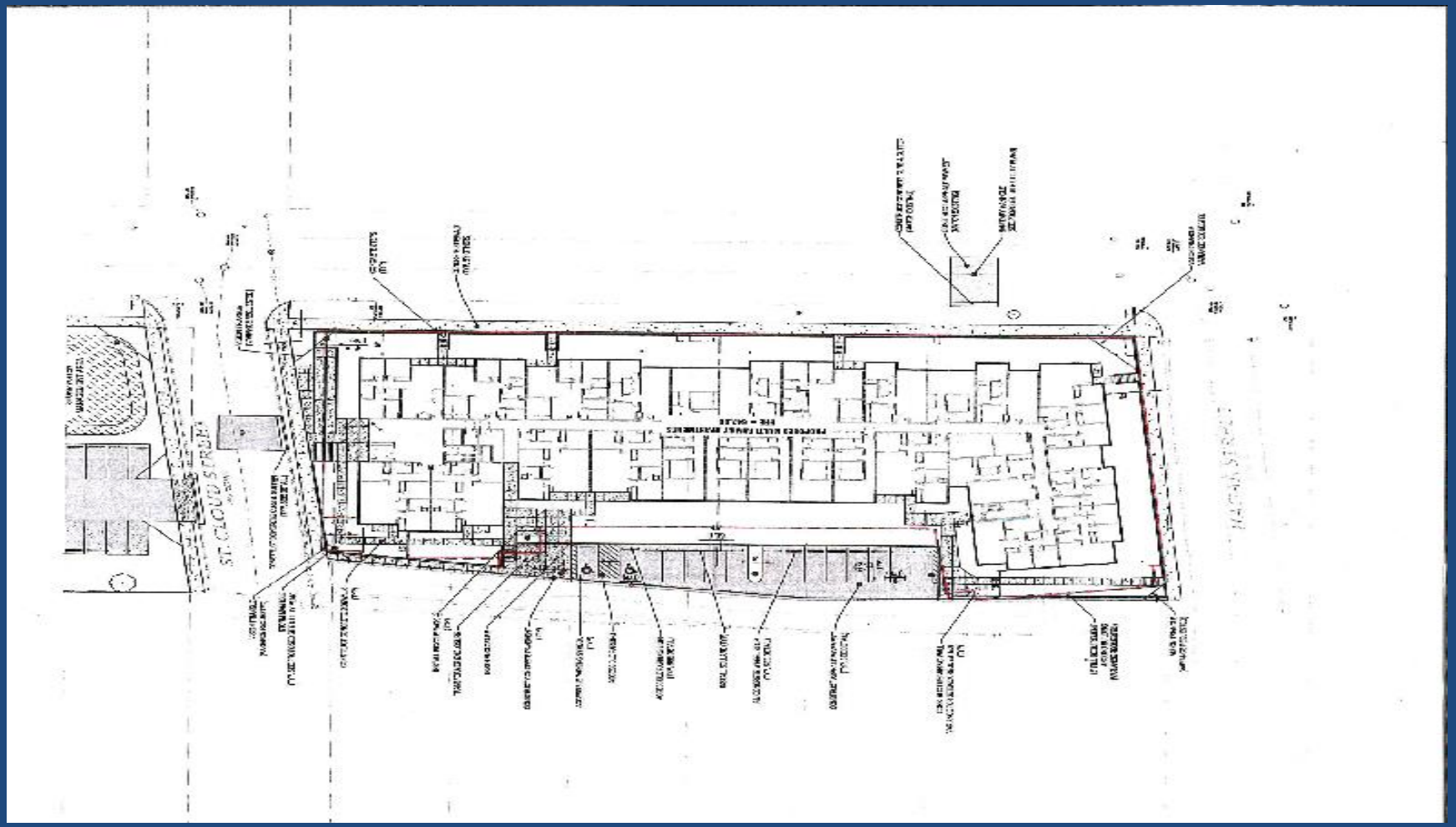
733 Kane St.

- The owner has applied for a permit to construct a new multifamily apt. complex.
- Municipal code section 115-281(3)(a)(1) states that the lowest floor level of the structure shall be elevated to the flood protection elevation (2’ above BFE) and the fill surrounding the structure shall extend a minimum of 15’ beyond the limits of the structure at 1’ above BFE.
- To allow this project to proceed as proposed the board would have to grant a variance to allow the encroachments of numerous sets of stairs and an ADA ramp in the 15’ fill requirement area.

733 Kane St.

913
919
1005
918
730
725
726
721-23
722
717
714
713
712
707-11
708
704
911
929
928
635
620
CHARLES ST
KANE ST
733
730
728
718
716
710-14
706
700
632

733 Kane St.



733 Kane St.

718 Kane St
La Crosse, Wisconsin
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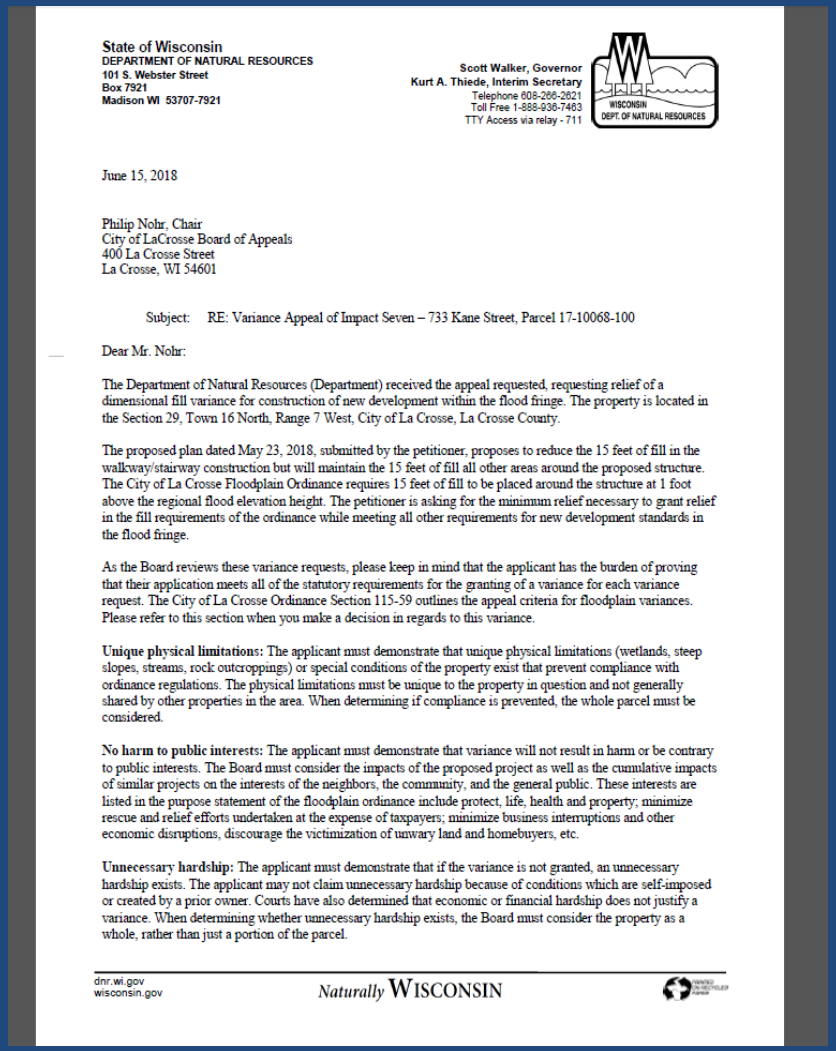
Report a problem

733 Kane St.



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

Scott Walker, Governor
Kurt A. Thiede, Interim Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

June 15, 2018

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

Subject: RE: Variance Appeal of Impact Seven – 733 Kane Street, Parcel 17-10068-100

Dear Mr. Nohr:

The Department of Natural Resources (Department) received the appeal requested, requesting relief of a dimensional fill variance for construction of new development within the flood fringe. The property is located in the Section 29, Town 16 North, Range 7 West, City of La Crosse, La Crosse County.

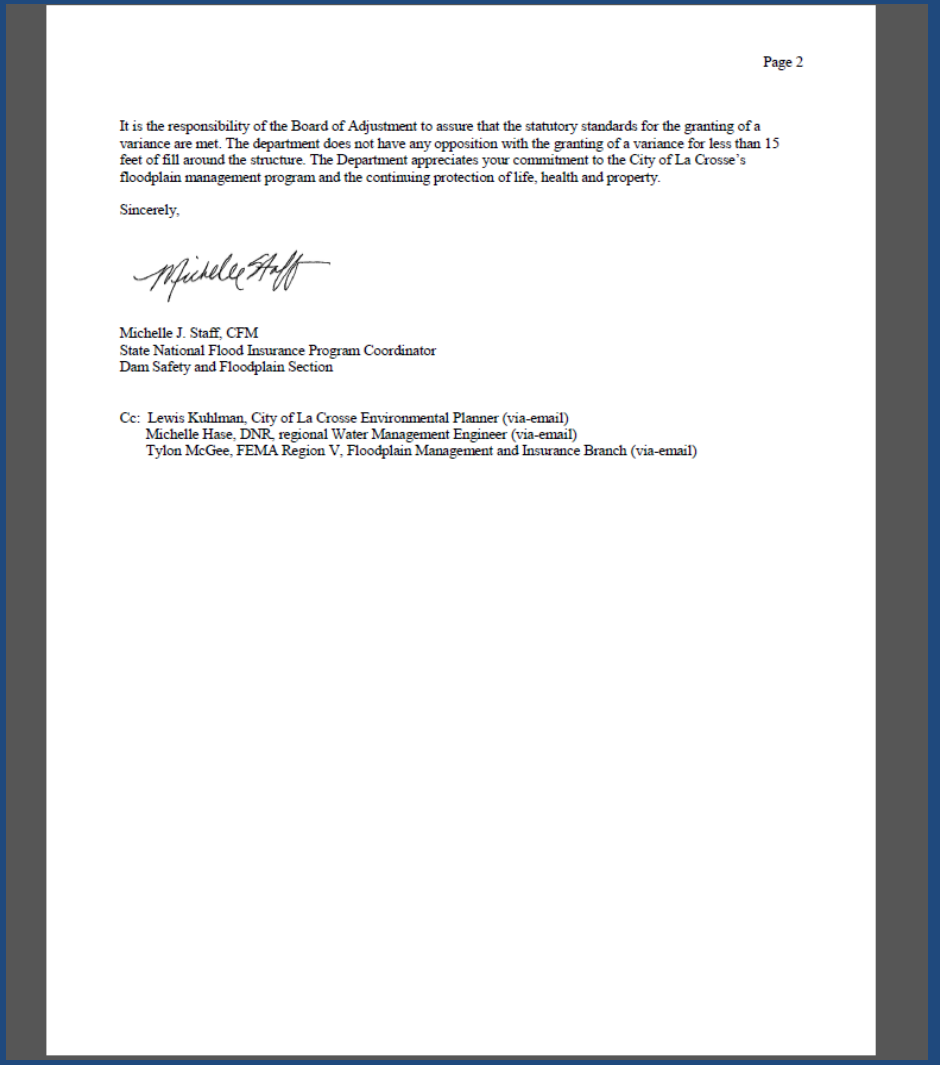
The proposed plan dated May 23, 2018, submitted by the petitioner, proposes to reduce the 15 feet of fill in the walkway/stairway construction but will maintain the 15 feet of fill all other areas around the proposed structure. The City of La Crosse Floodplain Ordinance requires 15 feet of fill to be placed around the structure at 1 foot above the regional flood elevation height. The petitioner is asking for the minimum relief necessary to grant relief in the fill requirements of the ordinance while meeting all other requirements for new development standards in the flood fringe.

As the Board reviews these variance requests, please keep in mind that the applicant has the burden of proving that their application meets all of the statutory requirements for the granting of a variance for each variance request. The City of La Crosse Ordinance Section 115-59 outlines the appeal criteria for floodplain variances. Please refer to this section when you make a decision in regards to this variance.

Unique physical limitations: The applicant must demonstrate that unique physical limitations (wetlands, steep slopes, streams, rock outcroppings) or special conditions of the property exist that prevent compliance with ordinance regulations. The physical limitations must be unique to the property in question and not generally shared by other properties in the area. When determining if compliance is prevented, the whole parcel must be considered.

No harm to public interests: The applicant must demonstrate that variance will not result in harm or be contrary to public interests. The Board must consider the impacts of the proposed project as well as the cumulative impacts of similar projects on the interests of the neighbors, the community, and the general public. These interests are listed in the purpose statement of the floodplain ordinance include protect, life, health and property; minimize rescue and relief efforts undertaken at the expense of taxpayers; minimize business interruptions and other economic disruptions, discourage the victimization of unwary land and homebuyers, etc.

Unnecessary hardship: The applicant must demonstrate that if the variance is not granted, an unnecessary hardship exists. The applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner. Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the Board must consider the property as a whole, rather than just a portion of the parcel.



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 does not have any opposition with the granting of a variance for less than 15 feet of fill around the structure. The Department appreciates your commitment to the City of La Crosse's 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)

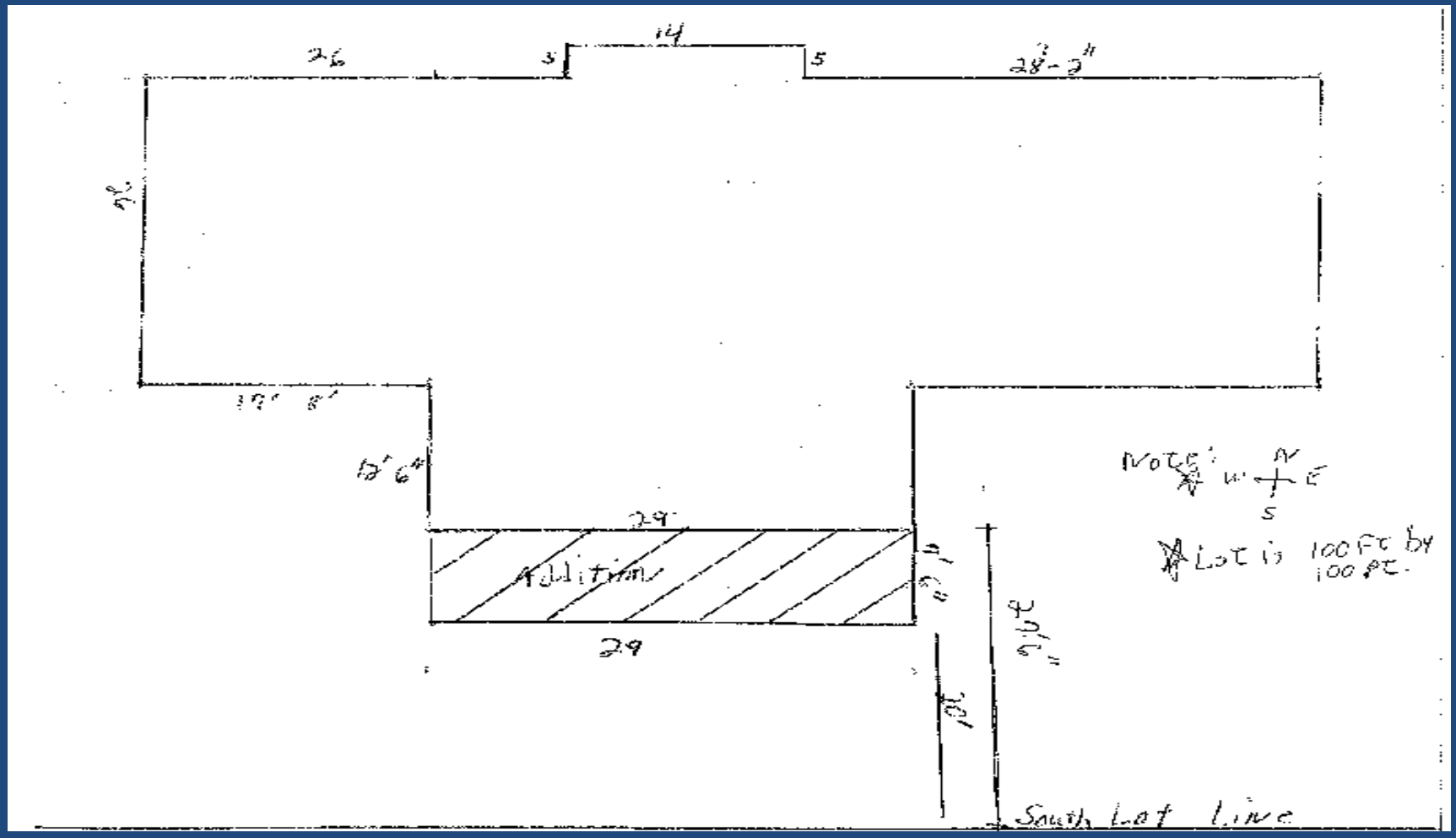
712 Cliffwood Ln.

- 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.

712 Cliffwood Ln.

- 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 0r 64.5 percent for this structure.

712 Cliffwood Ln.



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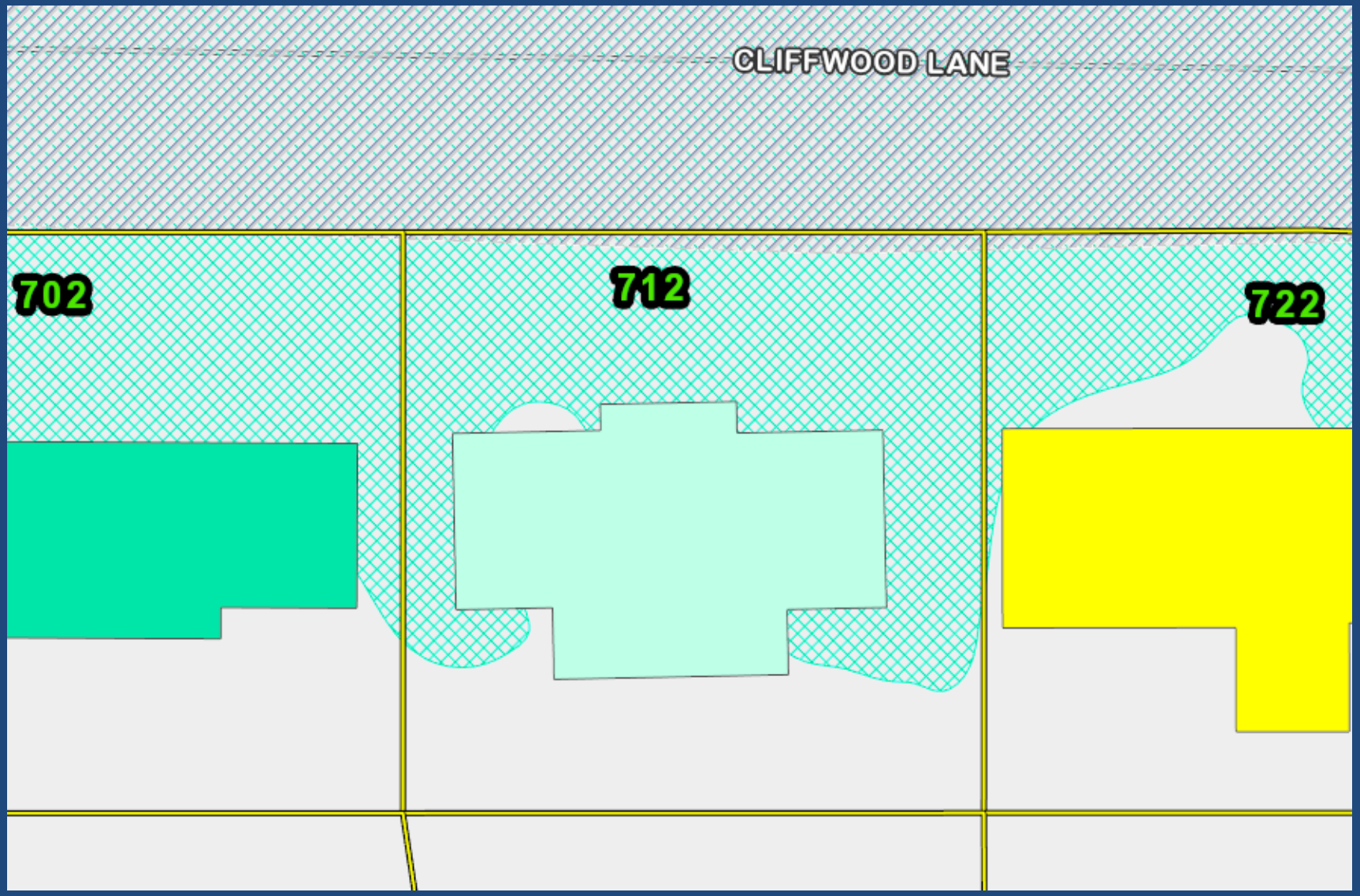
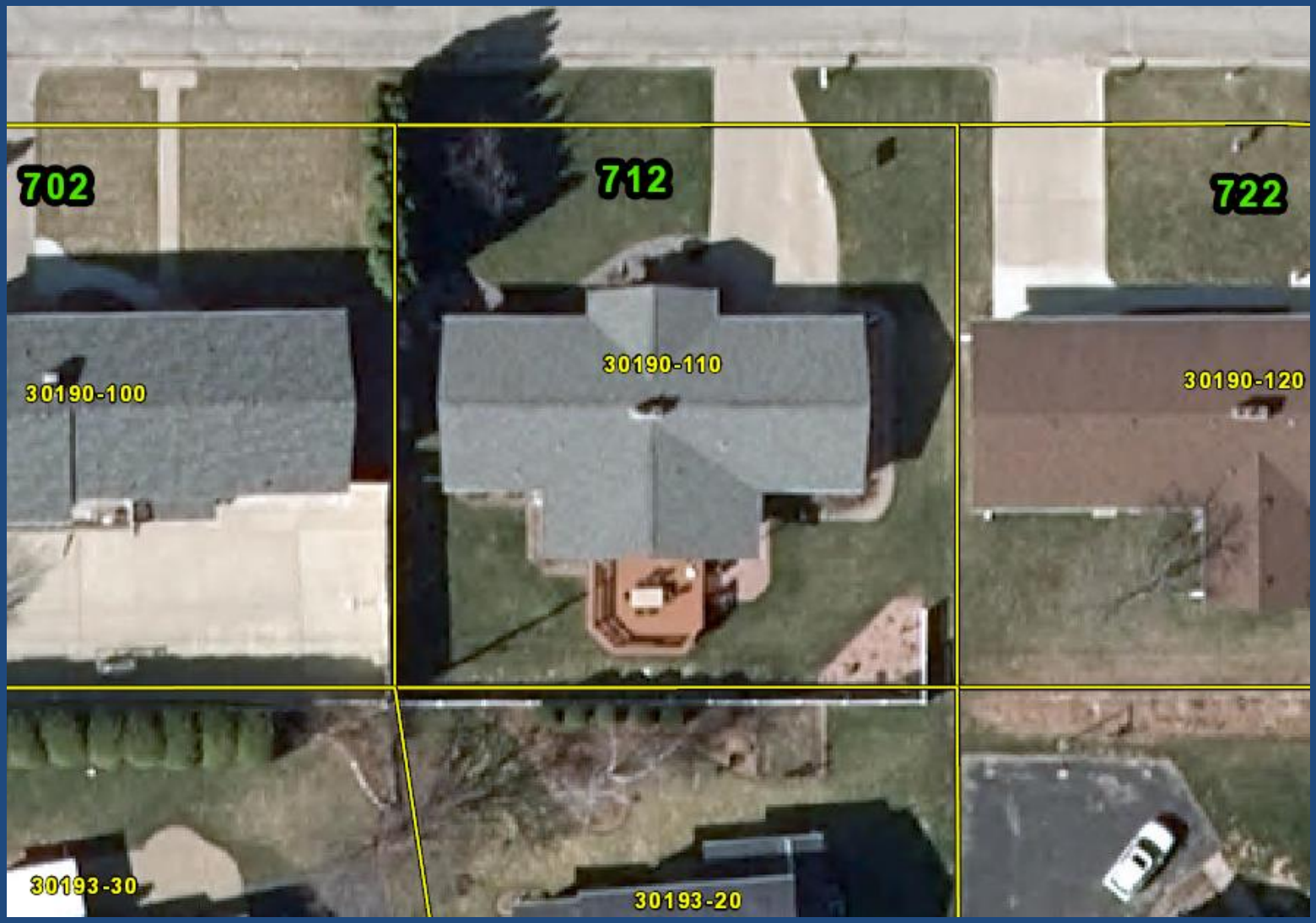
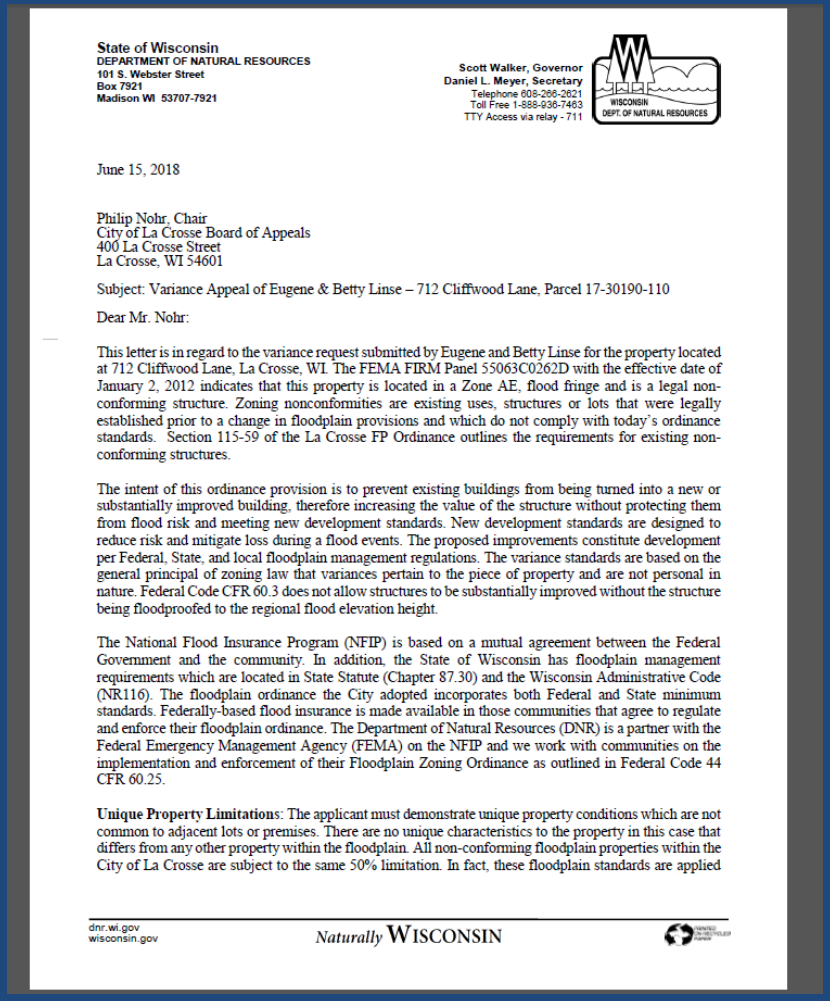


712 Cliffwood Ln.



712 Cliffwood Ln.

712 Cliffwood Ln.



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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

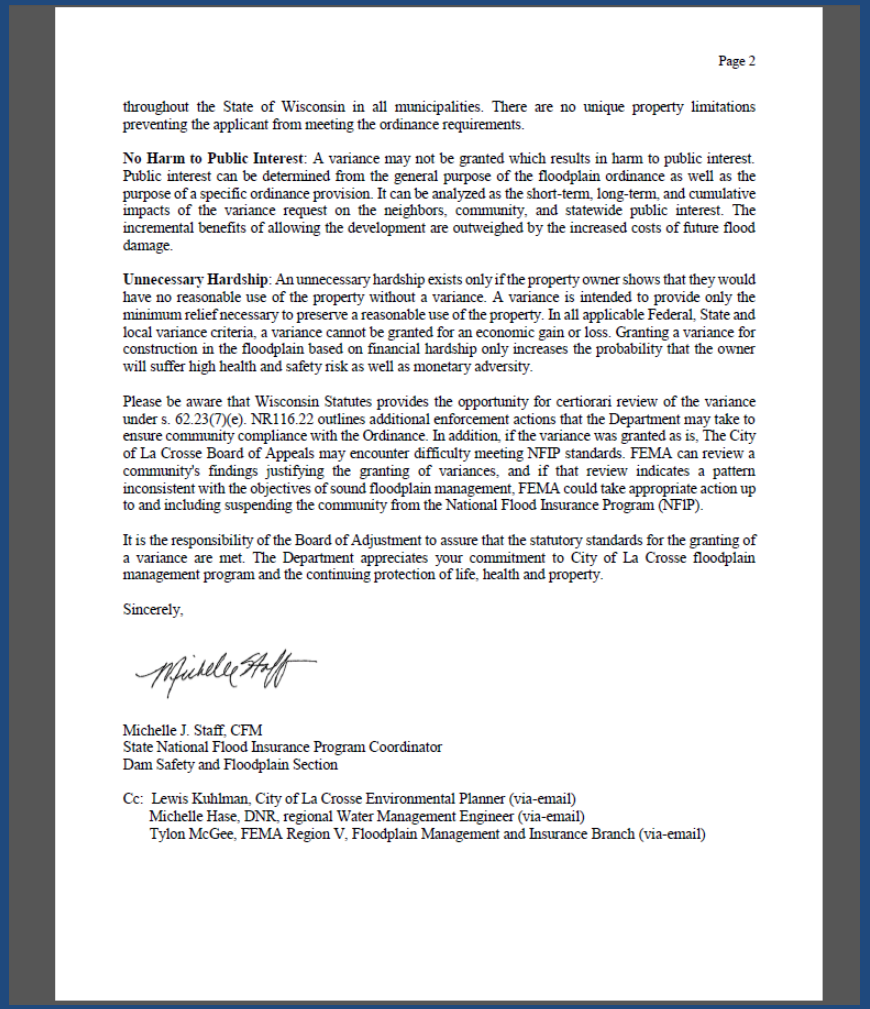
Dear Mr. Nohr:

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 55063C0262D 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.

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)