

# Board of Zoning Appeals

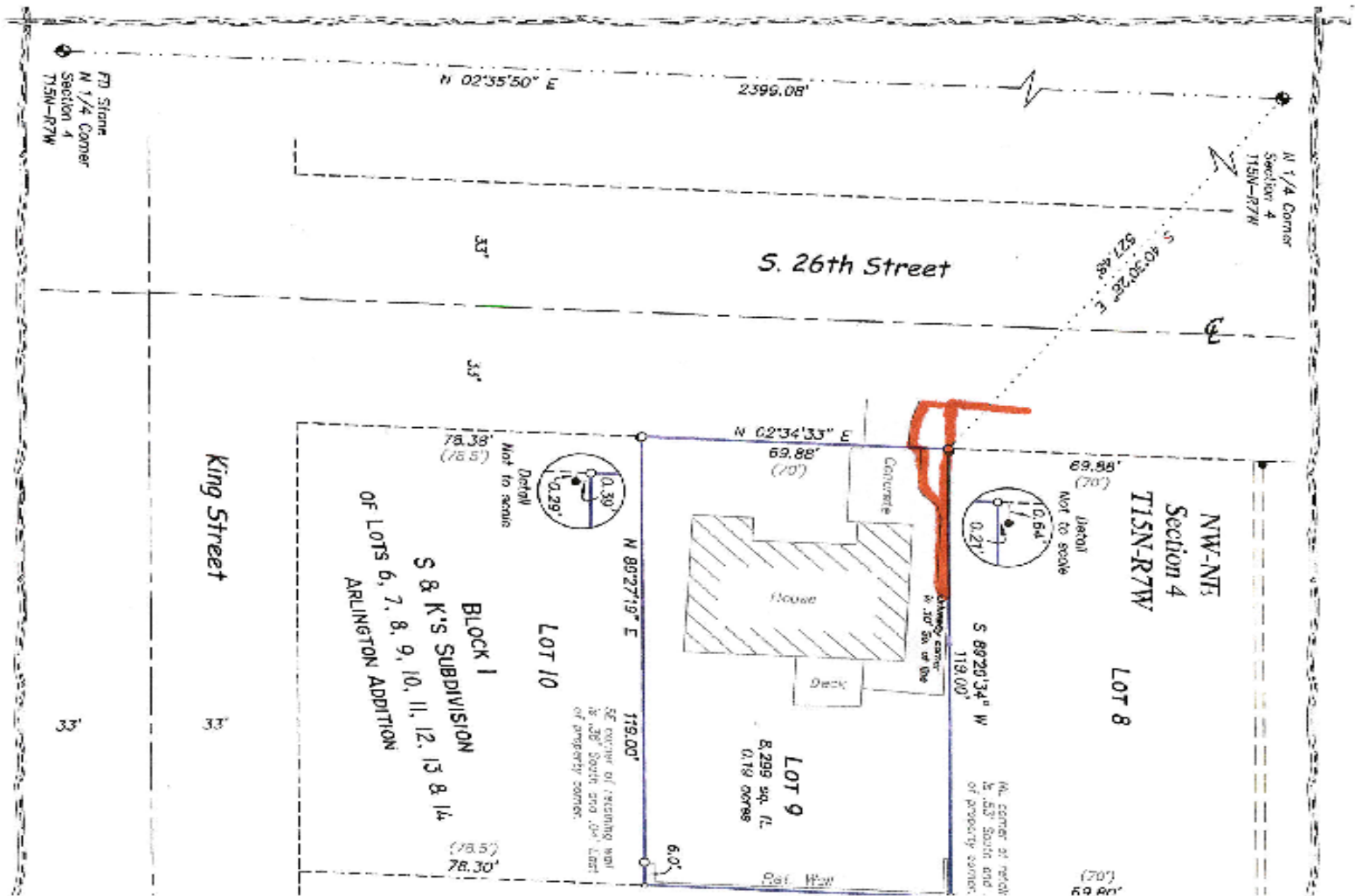
July 18, 2018

7:00 PM

# 131 26<sup>th</sup> 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 26<sup>th</sup> St. S.



# 131 26<sup>th</sup> St. S.



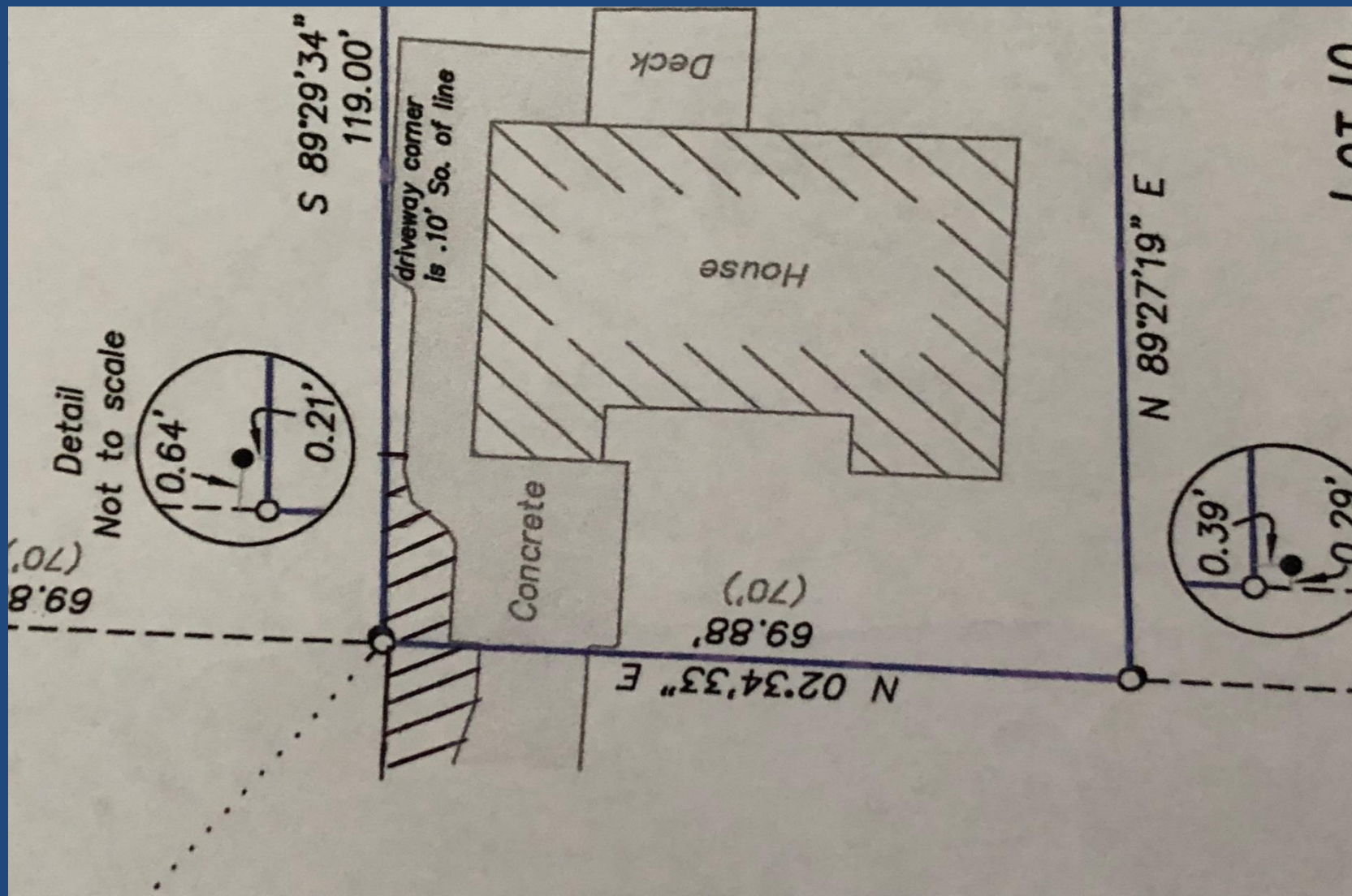


# 131 26<sup>th</sup> St. S.





# 131 26<sup>th</sup> St. S





131 26<sup>TH</sup> St. S.





131 26<sup>th</sup> St. S.





131 26<sup>th</sup> St. S.





131 26<sup>th</sup> St. S.





# 712 Cliffwood Ln.

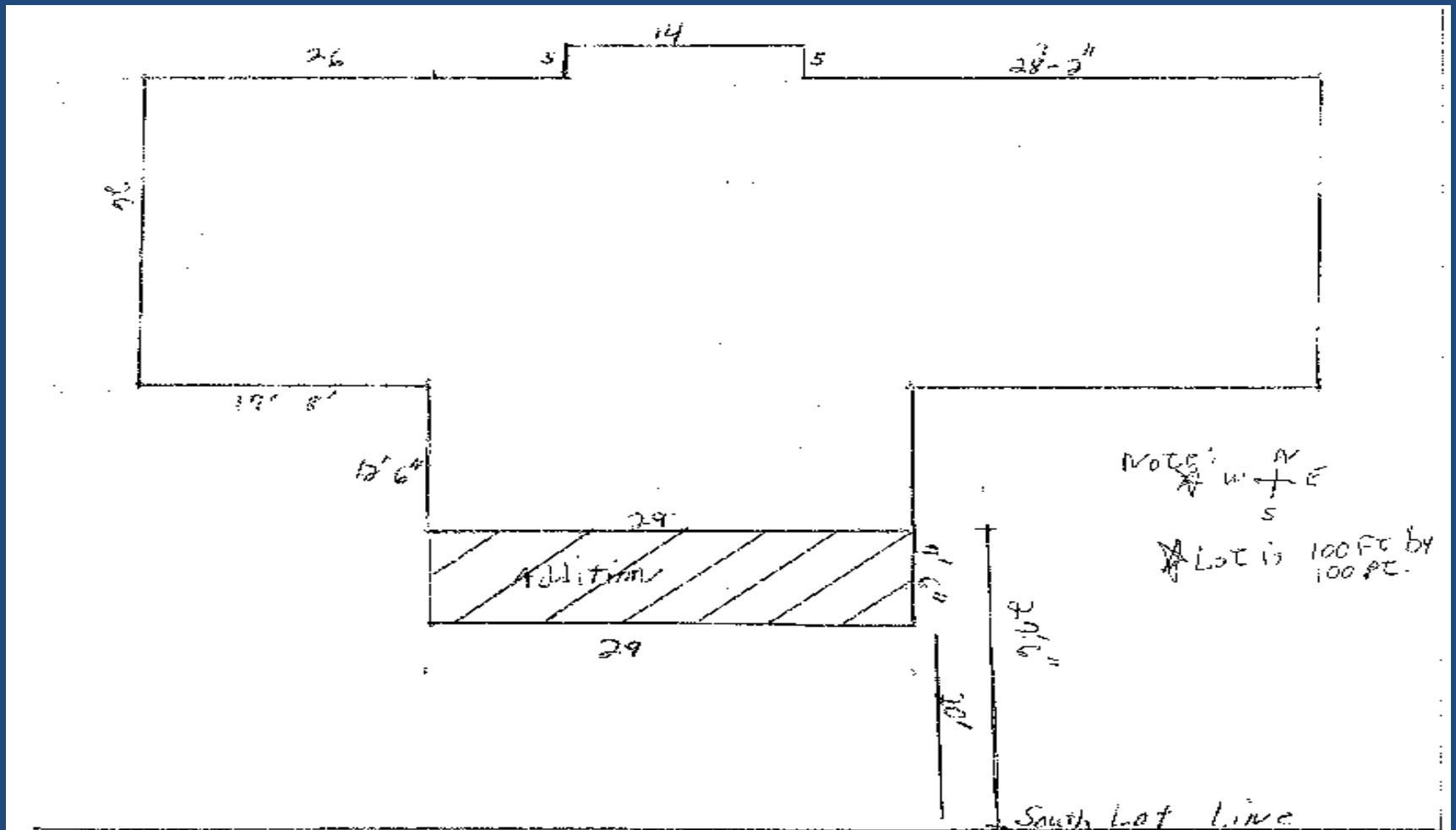
- The owner has applied for a permit to construct an addition at this address.
- Municipal code section 115-281(3)(a)(1) states that the lowest floor elevation shall be at or above flood protection elevation and the fill shall extend 15' beyond the limits of the structure at 1' above the BFE.

# 712 Cliffwood Ln.

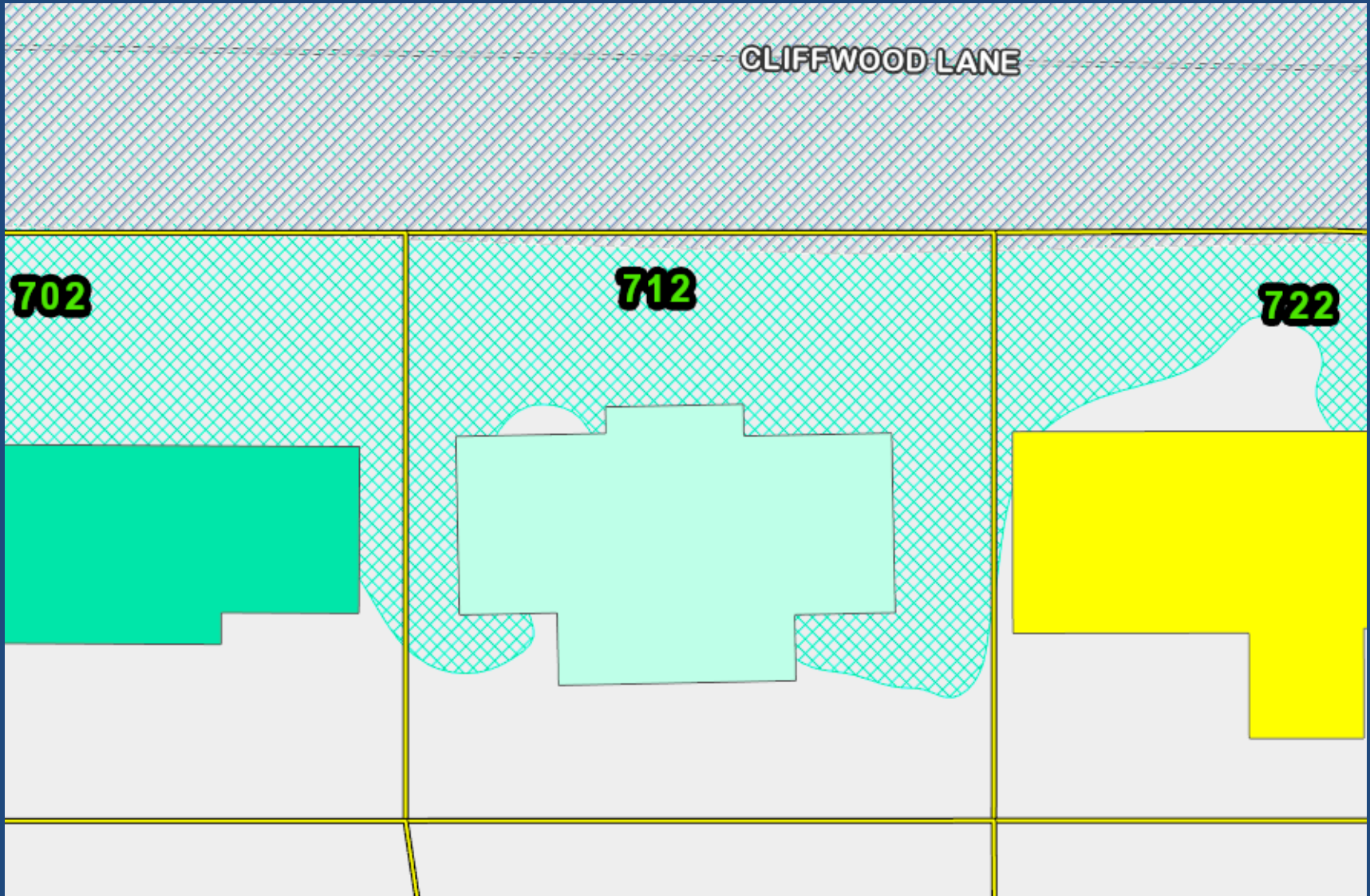
- Municipal code section 115-222 states that no modification or addition to any non-conforming structure or any structure with a non-conforming use, which over the life of the structure would equal or exceed 50 percent of its present equalized assessed value, shall be allowed unless the entire structure 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 Or 64.5 percent for this structure.



# 712 Cliffwood Ln.

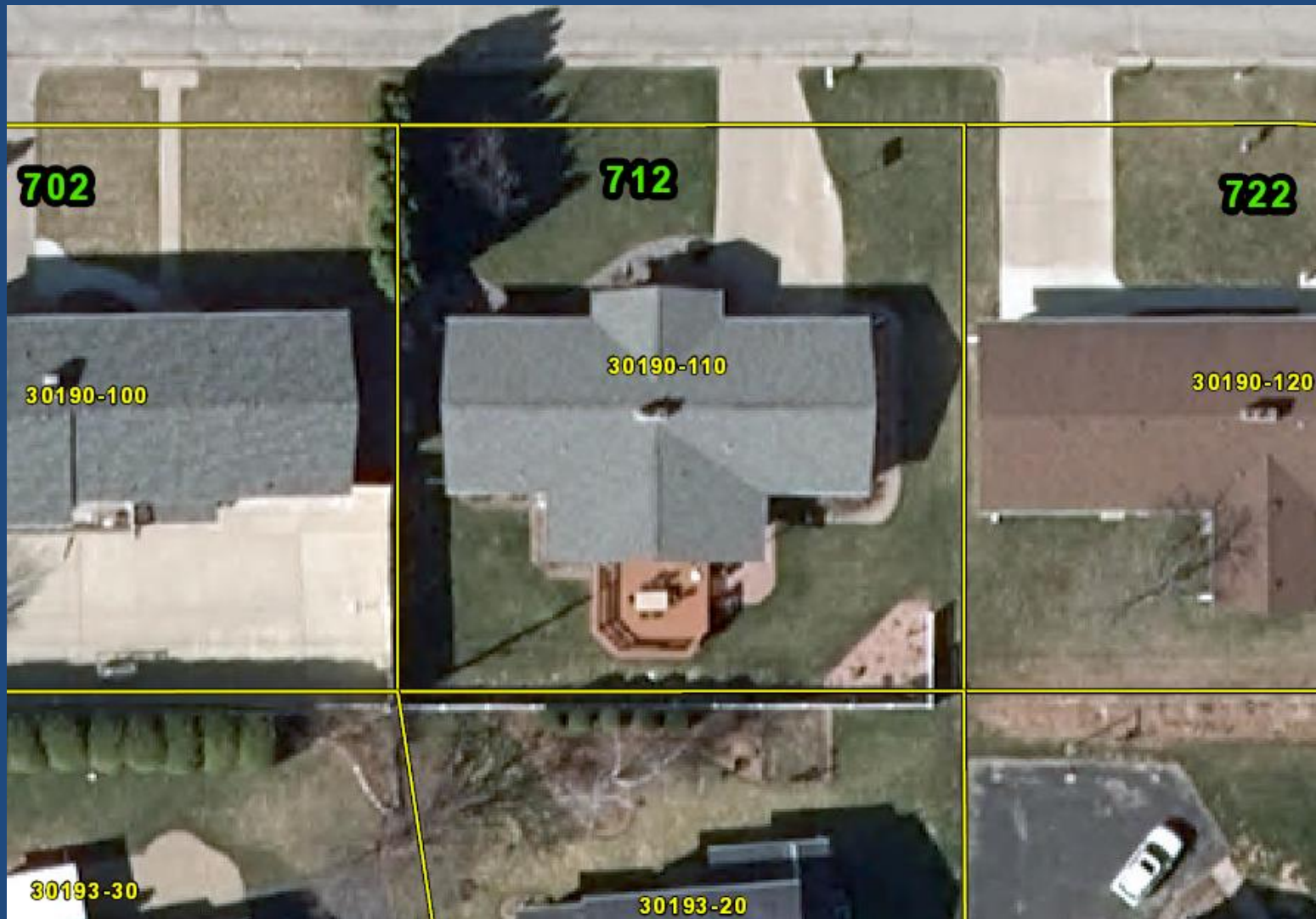


# 712 Cliffwood Ln.





# 712 Cliffwood Ln.



# 712 Cliffwood Ln.



# 712 Cliffwood Ln.

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

Scott Walker, Governor  
Daniel L. Meyer, Secretary  
Telephone 608-296-2621  
Toll Free 1-888-436-7463  
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 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 event. 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

Page 2

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)



# 712 Cliffwood Ln.

U.S. DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
National Flood Insurance Program

## ELEVATION CERTIFICATE

Important: Read the Instructions on pages 1-9.

OMB No. 1880-0008  
Expiration Date: July 31, 2015

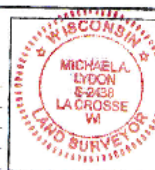
<b>SECTION A - PROPERTY INFORMATION</b>		<b>FOR INSURANCE COMPANY USE</b>	
A1. Building Owners Name: Eugene & Beth Lingo		Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 712 Cliffwood Lane		Company NAIC Number:	
City: La Crosse	State: WI	ZIP Code: 54601	

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Parcel # 17-32190-110 Lot 8, Block 2, Hoescher Cliffwood Terrace	
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>	
A5. Latitude/Longitude: Lat. <u>53.504603</u> Long. <u>-91.213993</u> Horizontal Datum: <input type="checkbox"/> NAD 1983 <input checked="" type="checkbox"/> NAD 1983	
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance	
A7. Building Diagram Number: <u>2</u>	
A8. For a building with a crawlspace or enclosure(s):	
a) Square footage of crawlspace or enclosure(s) _____ sq ft	A9. For a building with an attached garage:
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade _____	a) Square footage of attached garage <u>940</u> sq ft
c) Total net area of flood openings in A8.b _____ sq in	b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade _____
d) Engineered flood openings? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	c) Total net area of flood openings in A8.b _____ sq in
	d) Engineered flood openings? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION</b>	
B1. NFIP Community Name & Community Number City of La Crosse #555362	B2. County Name La Crosse
B3. State WI	
B4. Map/Panel Number 555362022D	B5. Flood Zone(s) X
B6. FIRM Index Date Jan. 6, 2012	B7. FIRM Panel Effective/Revised Date Jan. 6, 2012
B8. Flood Zone(s) X	B9. Base Flood Elevation(s) (Zone AD, use base flood depth) <u>555.0</u>
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in item B9: <input type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____	
B11. Indicate elevation datum used for BFE in item B9: <input checked="" type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____	
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA	

<b>SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)</b>	
C1. Building elevations are based on: <input type="checkbox"/> Construction Drawings* <input type="checkbox"/> Building Under Construction* <input checked="" type="checkbox"/> Finished Construction *A new Elevation Certificate will be required when construction of the building is complete.	
C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR1, ARIAE, ARA1-A30, ARIAH, ARIAO. Complete items C2 a-h below according to the building diagram specified in item A7. In Puerto Rico only, enter meters. Benchmark Utilized: <u>Hyd Cliffwood 8.28n</u> Vertical Datum: <u>GL 555.19 (NAVD 1988)</u>	
Indicate elevation datum used for the elevations in items a) through h) below: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____	
Datum used for building elevations must be the same as that used for the BFE.	
Check the measurement used:	
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>555.1</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
b) Top of the next higher floor	<u>557.1</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only)	<input type="checkbox"/> feet <input type="checkbox"/> meters
d) Attached garage (top of slab)	<u>555.0</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>555.1</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG)	<u>555.0</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG)	<u>555.0</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>555.0</u> <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters

<b>SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION</b>	
This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts in interpreting the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S.C. Code, Section 1001.	
<input checked="" type="checkbox"/> Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Certifier's Name: Michael A. Lydon	License Number: S-2438
Title: Land Surveyor	Company Name:
Address: 2530 17th Street South	City: La Crosse
State: WI	ZIP Code: 54601
Signature: <u>[Signature]</u>	Date: <u>10/20/2010</u>
Telephone: 608-789-5433	



FEMA Form 088-0-33 (7/12)

See reverse side for continuation

Replaces all previous editions.

## ELEVATION CERTIFICATE, page 2

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>		<b>FOR INSURANCE COMPANY USE</b>	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 712 Cliffwood Lane		Policy Number:	
City: La Crosse	State: WI	ZIP Code: 54601	Company NAIC Number:

<b>SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)</b>	
Copy both sides of this Elevation Certificate for: (1) community official, (2) insurance agent/company, and (3) building owner.	
Comments: Benchmark and BFE are provided by the City of La Crosse Engineering Department.	

Signature: <u>[Signature]</u>	Date: <u>10/20/2010</u>
<b>SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED FOR ZONE AO AND ZONE A (WITHOUT BFE))</b>	

For Zones AD and A (without BFE), complete items E1-E6. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For items E1-E4, use natural grade, if available. Check the measurement used in Puerto Rico only: enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).

a) Top of bottom floor (including basement, crawlspace, or enclosure) is \_\_\_\_\_ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is \_\_\_\_\_ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6-8 with permanent flood openings provided in Section A Items 3 and/or 8 (see page 6-8 of instructions), the next higher floor elevation (G2) in the diagram of the building is \_\_\_\_\_ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is \_\_\_\_\_ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is \_\_\_\_\_ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☒ Yes ☐ No ☐ Unknown. The local official must verify the information in Section G.

<b>SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION</b>	
The property owner or owner's authorized representative who completes Sections A, B, and G for Zones A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.	
Property Owner's or Owner's Authorized Representative's Name: _____	
Address: _____	City: _____
State: _____	ZIP Code: _____
Signature: _____	Date: _____
Telephone: _____	
Comments: _____	

<b>SECTION G - COMMUNITY INFORMATION (OPTIONAL)</b>	
The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable items and sign below. Check the measurement used in items G6-G10. In Puerto Rico only, enter meters.	
G1. <input type="checkbox"/> The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)	
G2. <input type="checkbox"/> A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.	
G3. <input type="checkbox"/> The following information (Items G4-G10) is provided for community floodplain management purposes.	
G4. Permit Number: _____	G5. Date Permit Issued: _____
G6. Date Certificate Of Completion/Occupancy Issued: _____	
G7. This permit has been issued for: <input type="checkbox"/> New Construction <input type="checkbox"/> Substantial Improvement	
G8. Elevation of as-built lowest floor (including basement) of the building: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum: _____	
G9. BFE or (in Zone AO) depth of flooding at the building site: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum: _____	
G10. Community's design flood elevation: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum: _____	

Local Official's Name: _____	Title: _____
Community Name: _____	Telephone: _____
Signature: _____	Date: _____
Comments: _____	

FEMA Form 088-0-33 (7/12)

Replaces all previous editions.

# 712 Cliffwood Ln.

ELEVATION CERTIFICATE, page 3

## Building Photographs

See Instructions for item A8.

**IMPORTANT:** In these spaces, copy the corresponding information from Section A.

Building Street Address (Including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.  
712 Cliffwood Lane

City La Crosse

State WI

ZIP Code 54601

FOR INSURANCE COMPANY USE

Policy Number:

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 A8. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side 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



# 712 Cliffwood Ln.





# 1423 20<sup>th</sup> St. S.

- 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.

# 1423 20<sup>th</sup> St. S.

## PERMIT Building - Accessory B-AC-003873-2018

PLAN REVIEW PERMIT-001028.05-18Y 6/13/2018 (11/2/2018) TWO FOOT REAR AND SIDE YARD SETBACK IS TO ROOF LINE

APPROPRIATE MUNICIPAL CODE

SEPARATE ELECTRICAL PERMIT IS REQUIRED

SEPARATE ELECTRICAL PERMIT IS REQUIRED

SPS 523.01 MUST PASS FIELD INSPECTIONS

SPS 523.01 MUST PASS FIELD INSPECTIONS

Additional Comments: MAXIMUM WALL HEIGHT OF 10 FEET INCLUDING CURBS AND OVERALL BUILDING HEIGHT MUST BE UNDER 17 FEET. SETBACKS ARE MEASURED TO THE OVERHANGE.

### ADDITIONAL INFORMATION

Important Reminders

The property owner is responsible for control placement of structures upon a parcel of land to comply with the building code. The setback edge of the City street is usually located on a property line.

Be sure to call Digger's Hotline prior to digging. The number is 1-800-242-5511.

### INSPECTIONS

Build - Erosion Control: Required

Build - Footing: Failed (05/18/2018)

Build - Footing: Failed (05/21/2018)

Build - Footing: Passed (05/24/2018)

Build - Rough Framing: Not Permitted (05/24/2018)

Build - Rough Framing: Failed (07/02/2018)

Build - Insulation: Required

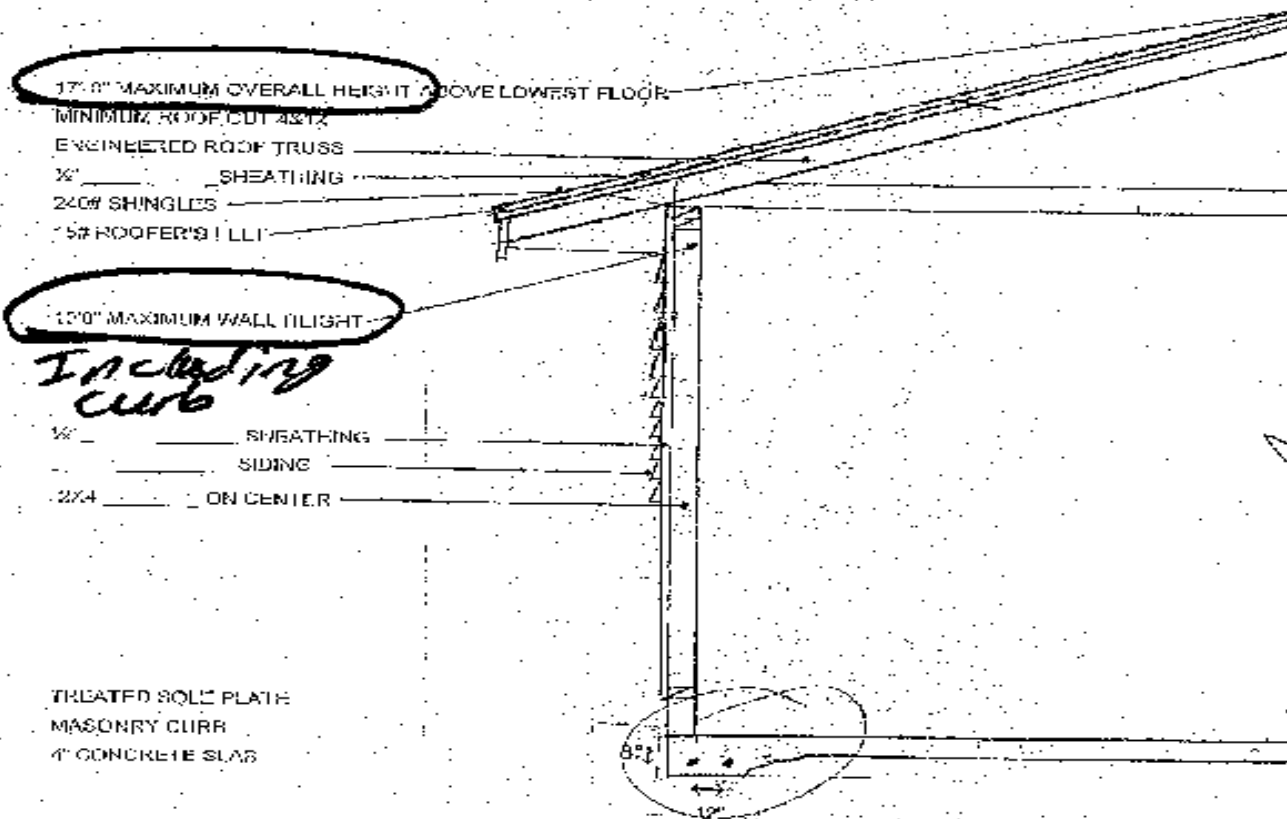
Build - Building Final: Required

To schedule an inspection contact your inspector, Don Mollerahl at 506-786-7063

NOTE: Inspections are performed during business hours. If a revision request, every effort is made to perform your inspection as soon as possible. Please call for these required inspections in advance to avoid costly removal of materials for inspection access. It is the property owner's responsibility to ensure that inspection requests are called to your inspector.

# 1423 20<sup>th</sup> St. S.

## DETACHED GARAGE OR SHED SECTION PLAN



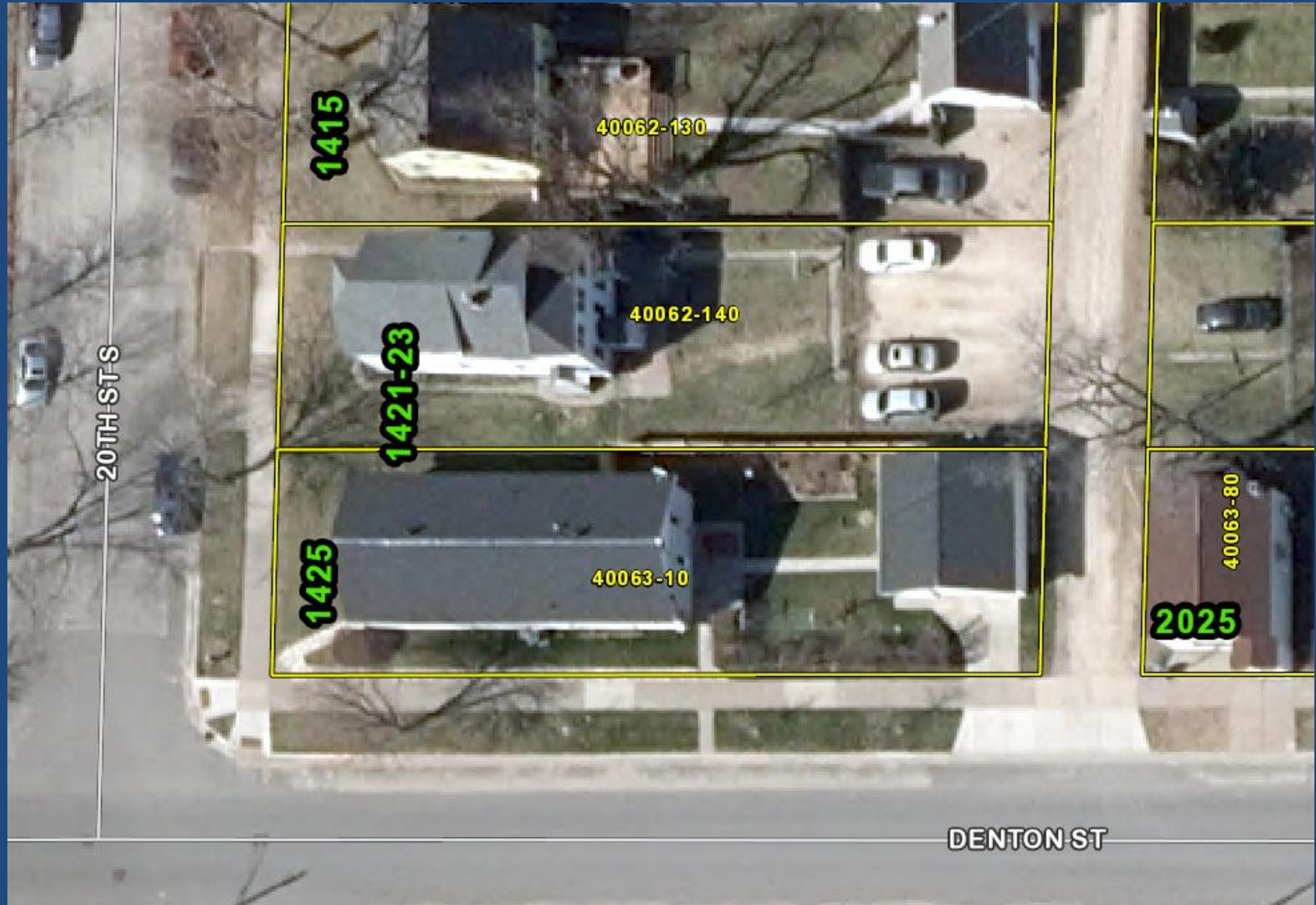
**DETACHED GARAGE** Scale:  $\frac{1}{2}" = 1'-0"$

OWNER NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_



# 1423 20<sup>th</sup> St. S.



1423 20<sup>th</sup> St. S.

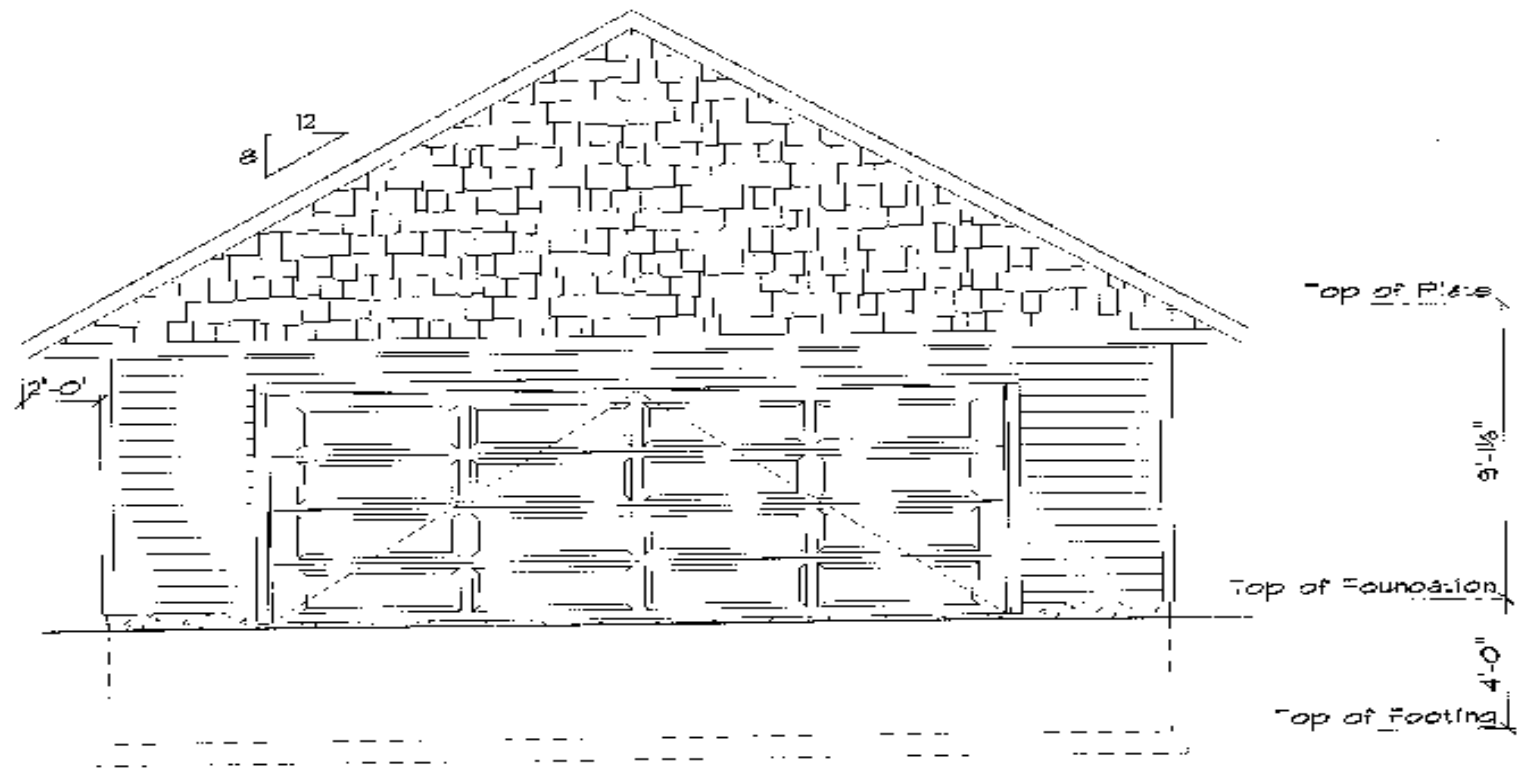




# 2703 Hass St.

- 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.

# 2703 Hass St.





# 2703 Hass St.



# 2703 Hass St.

