



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



3/22/2019

Vierbicher
Gary Woolever
400 Viking Drive
Reedsburg, WI 53959

RE: An appeal regarding the requirement that all development, building construction and land disturbances be set back at least 50 feet from all wetlands depicted on Wetland Inventory Map at 3119 State Road 16. La Crosse, Wisconsin.

Dear Mr. Woolever,

We have received your building permit application for a 5700 sq. ft. restaurant at 3119 State Road 16, 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:

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

Sec. 109-33 (a)(3)

(3) Setbacks for building construction or land disturbances from all wetlands depicted on the Wetland Inventory Map shall be 50 feet

Sec. 109-33 (a)(4) provided for context.

(4) The Wisconsin Wetland Inventory shows only the general location of wetlands. Precise delineation shall be made by the applicant for a land disturbance permit or approval of a development plan through the performance of a full field survey applying the standards of the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual. All permit applications for development in a Wetlands (W) District or on a tract containing or abutting a Wetlands (W) District shall be accompanied by a scaled drawing showing the wetland boundary. The applicant shall submit evidence documenting the results of the delineation and may make adjustments to it. The Zoning Administrator may waive the delineation requirement if the Administrator determines that a development will have no adverse impact.

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

CITY OF LA CROSSE

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Phone 608/789-7530 Fax 608/789-7589

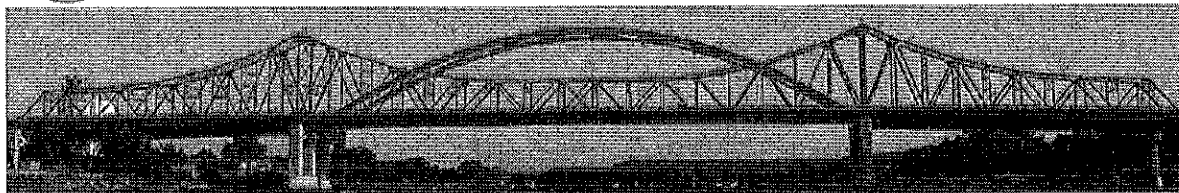
Supreme Court of the State of Wisconsin for the granting of variances, the Board of Zoning Appeals would have to grant a variance to allow for a portion of the building and surrounding land disturbance for a parking lot and landscaping to be constructed within the 50 foot setback requirement as shown on the site plan attached. If a variance is granted all other municipal and state code requirements will need to be addressed before a building permit can be issued.

Sincerely,

Matthew Diehl
Building Inspector

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[Parcel Search](#) | [Permit Search](#)

3119 STATE ROAD 16 LA CROSSE

Print View

Parcel: 17-10315-610 Internal ID: 69050
Municipality: City of La Crosse Record Status: Current

Parcel Information:

Parcel: 17-10315-610
Internal ID: 69050
Municipality: City of La Crosse
Record Status: Current
On Current Tax Roll: Yes
Total Acreage: 10.620
Township: 16
Range: 07
Section: 15
Qtr: SW-NW

Parcel

Taxes

Outstanding Taxes

Assessments

Deeds

Permits

History

Legal Description:

PRT GOVERNMENT LOTS 4 & 5 SE-NW SW-NW NW-SW COM N1/4 COR SEC 15
S17D1M30SE 136.69FT S39D59MW 1559.86FT S23D5M30SW 495.39FT POB
S23D5M30SW 71.21FT N88D58MW 172.26FT ALG CURV S46D2MW 21.21FT
S1D2MW 145FT S12D12M18SW 93FT S79D34ME 6.02FT S12D25MW 1309.5FT
N77D35MW 360FT N44D53M30SW 166.36FT N71D58MW 441.76FT N74D11MW
16.46FT M/L N0D7M8SE 170FT N21D50M3SE 910.56FT N4D18M36SW 340.42FT
S36D13M52SE 365.87FT S51D55M58SE 234.09FT S77D44ME 172.77FT
S88D58ME 39.75FT ALG CURV N46D2ME 246.07FT N1D22ME 226FT S88D58ME
280FT TO POB EX CSM NO. 31 VOL 16 DOC NO. 1640620 & EX PRT TAKEN FOR
R/W IN DOC NO. 1430650 SUBJ TO NSP ESMT IN V1522 P226 SUBJ TO ACCESS
RESTR IN DOC NO. 1430650 & SUBJ TO ESMT IN DOC NO. 1446731

Property Addresses:

Street Address
3119 STATE ROAD 16

City (Postal)
LA CROSSE

Owners/Associations:

| Name | Relation | Mailing Address | City | State | Zip Code |
|-----------------------------|----------|-----------------|-----------|-------|----------|
| EBNER JOINT REVOCABLE TRUST | Owner | 4131 STATE RD | LA CROSSE | WI | 54601 |

Districts:

| Code | Description | Taxation District |
|------|------------------|-------------------|
| 2849 | LA CROSSE SCHOOL | Y |
| 1 | Book 1 | N |
| 0033 | La Crosse TIF 13 | N |

Additional Information

| Category | Description |
|-------------------------|--------------------------------|
| 2012+ VOTING SUPERVISOR | 2012+ Supervisor District 2 |
| 2012 + VOTING WARDS | 2012+ Ward 3 |
| POSTAL DISTRICT | LACROSSE POSTAL DISTRICT 54603 |
| Use | VACANT LOT |

Lottery Tax Information

Lottery Credits Claimed: 0
Lottery Credit Application Date:

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.