



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



July 2, 2019

TOM TREAKLE
1521 KANE ST
LA CROSSE WI 54603

RE: An appeal regarding the requirements that fill around the perimeter of a building shall be not less than one foot below the flood protection elevation and shall extend at least 15 feet beyond the limits of any structure at 2023 Charles St., La Crosse, WI.

Dear Mr. Treacle:

We have received your initial plans for a footing and foundation permit that does not meet the minimum requirement set forth in the Municipal Code of Ordinance of the City of La Crosse Code. The project as proposed is in direct violation of the following subparagraph of the Code:

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 the Floodfringe . Section 115-276 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of section 115-222 Nonconforming Uses;

a. Residential uses . Any structure, including a manufactured home, which is to be newly constructed, or moved into the floodfringe shall meet or exceed the following standards: Any existing structure in the floodfringe must meet the requirements of section 115-222 Nonconforming Uses;

1. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of section 115-281(3)(a)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

CITY OF LA CROSSE

Third Floor-City Hall, 400 La Crosse Street, La Crosse, Wisconsin 54601
Phone 608/789-7530 Fax 608/789-7589

Therefore, if upon consideration of all 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 four variances; one for nine (9) feet on the North side and one for nine (9) feet on the South side, of the fifteen foot requirement of elevated fill beyond the limits of the structure, one to allow steps through the 15 feet of fill on the East side and one to allow a driveway through the 15 feet of fill on the West side to allow this project to proceed as proposed.

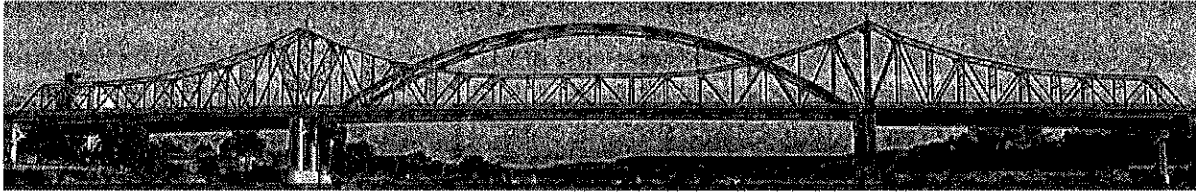
Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Diehl". The signature is fluid and cursive, with the first name "Matthew" and last name "Diehl" clearly distinguishable.

Matthew Diehl
Building Inspector

CITY OF LA CROSSE

Third Floor-City Hall, 400 La Crosse Street, La Crosse, Wisconsin 54601
Phone 608/789-7530 Fax 608/789-7589


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

2023 CHARLES ST LA CROSSE

Print View

Parcel: 17-10134-40 Internal ID: 25291
 Municipality: City of La Crosse Record Status: Current

Parcel Information:

Parcel: 17-10134-40
 Internal ID: 25291
 Municipality: City of La Crosse
 Record Status: Current
 On Current Tax Roll: Yes
 Total Acreage: 0.163
 Township: 16
 Range: 07
 Section: 20

Legal Description:

CANTERBURY 2ND UNREC LOT 3 BLOCK 8 EXC W 8 FT FOR ALLEY LOT SZ: 50 X 142

Property Addresses:

Street Address City (Postal)
 2023 CHARLES ST LA CROSSE

Owners/Associations:

| Name | Relation | Mailing Address | City | State | Zip Code |
|----------------|----------|-------------------|-----------|-------|----------|
| SCOTT R VIEAUX | Owner | 1070 SHOREWOOD DR | 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 1 |
| 2012 + VOTING WARDS | 2012+ Ward 1 |
| POSTAL DISTRICT | LACROSSE POSTAL DISTRICT 54603 |
| Use | 1 UNIT |

Lottery Tax Information ⓘ

Lottery Credits Claimed: 1 on 11/5/2015
 Lottery Credit Application Date: 10/9/2015

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.