

Board of Zoning Appeals Variance Application

(To be completed by City Clerk or Zoning Staff)

City of La Crosse, Wisconsin

Application No.: 2633
 Date Filed: 9/25/19
 Application Complete: Yes ✓ No _____ Reviewed By BT (Initial)
 Filing Fee: \$1250.00
 Date Paid: 9/25/19

(To be completed by the applicant)

Application Deadline: By 5:00 PM the first Wednesday of every month.

Building Permit Application Deadline: 10 Calendar Days prior to first Wednesday of every month for the Division of Fire and Building Safety to provide review. Any building permit submitted after deadline must wait until the following Board of Zoning Appeals meeting.

	Owner / Agent	Contractor
Name	LaCrosse County	Graphic House Inc.
Address	212 6th Street N, La Crosse, WI 54601	400 S. 72nd Ave. Wausau WI 54401
Phone	608-775-9770	715-842-0402

T BURNS G FARNUM & P BURNS ADDITION LOTS 7-10 BLOCK 7 SUBJ TO ESTM OVER LOT 7 & 10FT VAC ALLEY ADJ

Legal Description: ON W PER RESL 1046398 LOT SZ:36004SF, City of La Crosse, Wis.

Tax Parcel Number: 17-20168-130 (201 7th St N)

Lot Dimensions and Area: 156 x 231 feet. = 36,036 sq. ft.

Zoning District: Municipal Zoning Applies

A variance is a relaxation of a standard in a land use ordinance. The Board of Zoning Appeals decides variances. The Board is a quasi-judicial body because it functions like a court. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. The burden of proof falls on the variance applicant.

Process:

At the time of application, you will be asked to:

- **Complete an application** form and timely submit it with a non-refundable fee as required in La Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.
- **Provide detailed plans** describing your lot and project (location, dimensions, and materials);
- **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three-Step Test below); and
- **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

Following these steps, the Division of Fire Prevention and Building Safety must approve the application as to form and completeness and then the application and fee must be submitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board **must** deny your request for a variance and your fee will be forfeited.

Part A: General Information and Alternatives Analysis.

(To be completed by the applicant).

1. General Information.

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

(a) Current use and improvements.

LaCrosse County parking Lot E for the Administration Building. Used for official LaCrosse County Business.

Parking lot and all other requirements for fit form and function are in place.

(b) Proposed Use.

Property use will not change.

(c) Description and date of any prior petition for variance, appeal, or special exception.

None

(d) Description and location of all nonconforming structures and uses on the property.

None

(e) Ordinance standard from which variance is being sought (include code citation).

111-11 Vision Clearance / No structure or object of natural growth shall hereafter be maintained or allowed to grow higher in the vision clearance area than 36 inches above the highest grade of the adjacent sidewalk or the required sidewalk grade where no sidewalk exists. This provision shall likewise apply to alley vision clearance areas.

(1)The requirement of vision clearance shall not apply at a height of six feet or more above the highest grade of the adjacent sidewalk or the required sidewalk grade where no sidewalk exists.(2)Sign supports and other objects of narrow width, which do not exceed ten inches in

(f) Describe the variance requested.

Uniformity of campus site identification, lot designation, and required instruction are needed for the public to effectively utilize the property. This will be achieved by allowing the necessary signage to be placed inside the vision clearance, and the monument type signs as proposed to be installed with parallel placement at each entrance facing the street, allowing the least amount of obstruction.

(g) Specify the reason for the request.

Campus site identification, lot designation, uniformity and required instruction are needed by the public to effectively utilize the property.

(h) Describe the effects on the **property** if the variance is not granted.

With not having uniformity of campus site identification, lot designation, and required instruction to the public, would be detrimental causing parking, and traffic safety issues for patrons needing to enter/exit the parking lot.

2. Alternatives.

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

- **Alternatives you considered that comply with existing standards.** If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons why you rejected them.

Compliant alternatives is not due to the inability to comply but more so to the preference of the owner.

- **Alternatives you considered that require a lesser variance.** If you reject such alternatives, provide the reasons why you rejected them.

Lesser variance alternatives is not due to the inability to comply but more so to the preference of the owner.

Part B: Three-Step Test.

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

1. Unique Property Limitation. *(To be completed by the applicant).*

Unique physical characteristics of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances or desires of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

You will be asked whether there exist any unique physical characteristics to your property that prevent compliance with the ordinance. You will be asked to show where these unique physical characteristics are located on your property by showing the boundaries of these features on a site map. If there is not a unique property limitation, a variance cannot be granted.

Do unique physical characteristics of your property prevent compliance with the ordinance?

- ☒ **Yes.** Where are they located on your property? In addition, please show the boundaries of these features on the site map that you used to describe alternatives you considered.

Each proposed sign location denotes an entry into a parking area specific to the sign copy contents. When designed, this property was compliant with the current ordinances. Since then ordinances have changed to exclude the current sign designs. The monument type signs as proposed were also considered to be placed parallel to the facing street. The determination was made that the least amount of obstruction created by the installation was achieved with parallel placement at each entrance.

- ☐ **No.** A variance cannot be granted.

2. No Harm to Public Interest.

A variance may not be granted which results in harm to public interests or undermines the purpose(s) of the ordinance. In applying this test, the Zoning Board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community, and the general public. These interests may be listed as objectives in the purpose statement of an ordinance and may include:

- *Public health, safety, and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures, and lots*
- *Any other public interest issue*

(a) Ordinance Purpose. *(To be completed by zoning staff).*

The Zoning Board must consider the purpose and intent of zoning codes when considering a variance request. As promulgated by the City of La Crosse Common Council, the purpose and intent of the La Crosse Zoning Code include, but is not limited to, the following:

§ 8-86	§ 101-58	§ 109-6
§ 115-3	§ 115-140	§ 115-141
§ 115-148	§ 115-156	§ 115-158
§ 115-211	§ 115-319	§ 115-437
§ 115-510	§ 115-548	§ 115-594

The failure of any particular city official to identify additional purpose and intent information on the application does not preclude the city official from raising the issue at the public hearing on the requested variance.

(b) Purpose(s) of Standard from which Variance is Requested. *(To be completed by zoning staff).*

The City of La Crosse Building Inspector, Code Enforcement Officer and any other officials may be aware of other reasons a particular ordinance standard is required. The city official(s) may list those reasons on this application. The failure of any particular city official to identify additional purpose information on this application does not preclude the city official from raising the issue at the public hearing on the requested variance.

(c) Analysis of Impacts. *(To be completed by applicant).*

Discuss impacts (e.g. increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For each impact, describe potential mitigation measures and the extent to which they reduce the impacts (i.e. completely, somewhat, or marginally). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term, and cumulatively.

Short-term impacts are those that occur through the completion of construction. Long-term impacts are those that occur after construction is completed. Cumulative impacts are those that would occur if a similar variance requested were granted for many properties. After completing the impact analysis, you will be asked to give your opinion whether granting the variance will harm the public interest.

(1) Short-term Impacts (through the completion of construction):

- Impact: Minor road obstruction and access to property
Mitigation measure(s): Cones and barriers will be placed prior to installations
Extent to which mitigation reduces project impact:
To a minor extent the traffic will be diverted to avoid obstructions and installation personnel.

- Impact:
Mitigation measure(s):
Extent to which mitigation reduces project impact:

(2) **Long-term Impacts** (after construction is completed):

- Impact: Non conforming structure varies from Vision triangle ordinance
Mitigation measure(s): Perpendicular installation.
Extent to which mitigation reduces project impact:
The placement will minimize the negative visual impact the sign may cause.

- Impact:
Mitigation measure(s):
Extent to which mitigation reduces project impact:

(3) **Cumulative Impacts** (what would happen if a similar variance request was granted for many properties?):

- Impact: The vision triangle ordinance per it's design would be less effective/restrictive.
Mitigation measure(s): Only issue variances where an alternative is not achievable.
Extent to which mitigation reduces project impact:
In some cases the configuration of the architecture and other improvements to the property seeking a variance is not due to the inability to comply but more so to the preference of the owner. In this case the sign requirements were changed post construction leading to the installed landscape plans being non compliant to current ordinances.

- Impact:
Mitigation measure(s):
Extent to which mitigation reduces project impact:

Will granting the variance harm the public interest?

- ☐ **Yes.** A variance cannot be granted.
- ☒ **No.** Mitigation measures described above will be implemented to protect the public interest.

3. Unnecessary Hardship. *(To be completed by the applicant).*

The unique property limitation must create the unnecessary hardship. An applicant may not claim unnecessary hardship because of conditions that are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

An **area variance** is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance with the strict letter of the area restrictions would unreasonably prevent the owner from using the property for a permitted purpose (i.e. leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term, and cumulative effects of the variance on the neighborhood, the community, and on the public interests. This standard reflects the Wisconsin Supreme Court decisions in *State v. Waushara County Bd. of Adjustment*, 2004 WI 56; and *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

A **use variance** is a relaxation of the zoning regulation on how the property is fundamentally used. A use variance allows property to be utilized in a manner not permitted by zoning regulations (i.e. an appropriate adaptive re-use of a school or church in a residential district). Unnecessary hardship exists only if the property owners show that they would have no reasonable or viable use of the property without the variance. Though not specifically restricted by statute or case law, a use variance is very rare because of the drastic effects it has on the neighborhood, the community, and the public interests. The Zoning Board must consider whether the owner has no reasonable return if the property is only used for the purpose allowed in zoning regulation, whether the plight of the owner is due to unique circumstances and not merely general conditions in the neighborhood, and whether the use sought to be authorized will alter the nature of the locality. See generally *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

Are you applying for an area variance or a use variance?☒ **Area variance**☐ **Use variance****Is unnecessary hardship present?**☒ **Yes. Describe.**

The current small and somewhat ineffective, non conforming style of signage currently installed on this site has proven to be lacking in effectiveness. The small and inconsistent signs are not sufficiently indicative of the intended purposes of such installations. Campus site identification, lot designation, uniformity and required instruction are needed by the public to effectively utilize the property.

☐ **No. A variance cannot be granted.****Part C: Additional Materials / Exhibits.**

In order for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than 1"=50', and other exhibits must show the following:

- ☒ Location of requested variance
- ☒ Property lines
- ☐ Ordinary high-water mark
- ☐ Flood plain and wetland boundaries
- ☐ Dimensions, locations, and setbacks of existing and proposed structures
- ☐ Utilities, roadways, driveways, off-street parking areas, and easements
- ☐ Existing highway access restrictions and existing proposed street, side and rear yards
- ☐ Location and type of erosion control measures
- ☐ Vegetation removal proposed
- ☐ Contour lines (2 ft. interval)
- ☐ Well and sanitary system
- ☐ Location and extent of filling/grading
- ☐ Any other construction related to your request
- ☐ Anticipated project start date
- ☒ Sign locations, dimensions, and other specifications
- ☐ Alternatives considered
- ☐ Location of unique property limitation
- ☐ Lot corners, lines, and footprints have been staked out
- ☐ Abutting street names and alleys
- ☐ Abutting property and land within 20 feet
- ☒ Indication of the direction "North"

Part D: Authorization to Examine

You **must complete and sign** the authorization for the City of La Crosse Board of Zoning Appeals and the Planning and Development Department to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 333 Vine Street, LaCrosse WI, 54601

(Address where variance is sought)

Date: 9/20/19 Signature of Owner: 

Part E: Certification.

You **must sign your application**, certifying that it and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered. You also must get the application notarized by a certified notary.

Submit completed application to:

Board of Zoning Appeals
400 La Crosse St.
Clerk's Office- 2nd Floor
La Crosse, Wisconsin 54601

Submit complete copy to:

Chief Inspector
400 La Crosse St.
Division of Fire Prevention and Building Safety
La Crosse, Wisconsin 54601

By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything in this application that my application will be denied and any variance granted thereunder may be revoked.

Signed: (Applicant or Agent)

Amy Ciaccio

Date:

9/20/19

Signed: (Owner, if different from applicant)

John Sam

Date:

9-20-19

THE APPLICANT OR AGENT

Graphic House Inc.

By: Amy Ciaccio

THE OWNER

LaCrosse County

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

Personally came before me this 20th day of September 2019, 2019, the above named Amy Ciaccio to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Lee Tolte

Notary Public, La Crosse County, WI

My commission expires: 1/7/20

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

Personally came before me this _____ day of _____, 2016, the above named _____ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public, La Crosse County, WI

My commission expires: _____

By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything in this application that my application will be denied and any variance granted thereunder may be revoked.

Signed: (Applicant or Agent) _____

Date: _____

Signed: (Owner, if different from applicant) _____

Date: 9/20/19

THE APPLICANT OR AGENT

Graphic House Inc.

By: _____

THE OWNER

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

Personally came before me this _____ day of _____, 2016, the above named _____ to me

known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public, La Crosse County, WI
My commission expires: _____

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

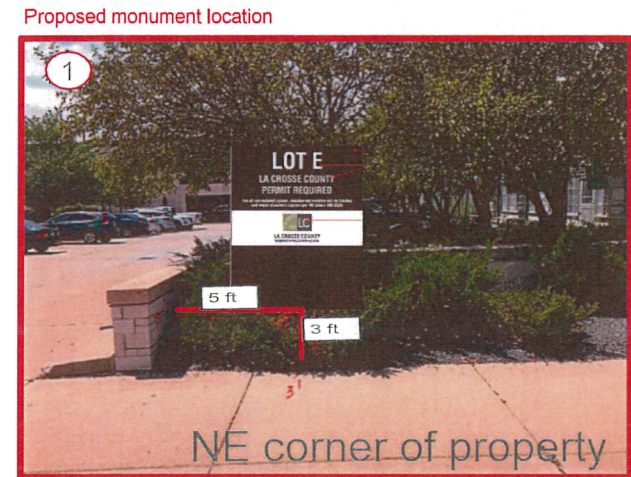
Personally came before me this _____ day of _____, 2016, the above named _____ to me

known to be the person(s) who executed the foregoing instrument and acknowledged the same.

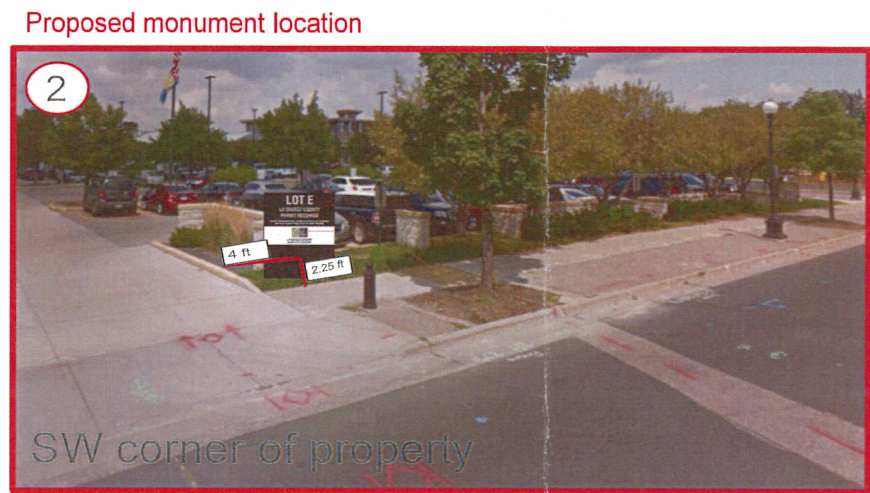
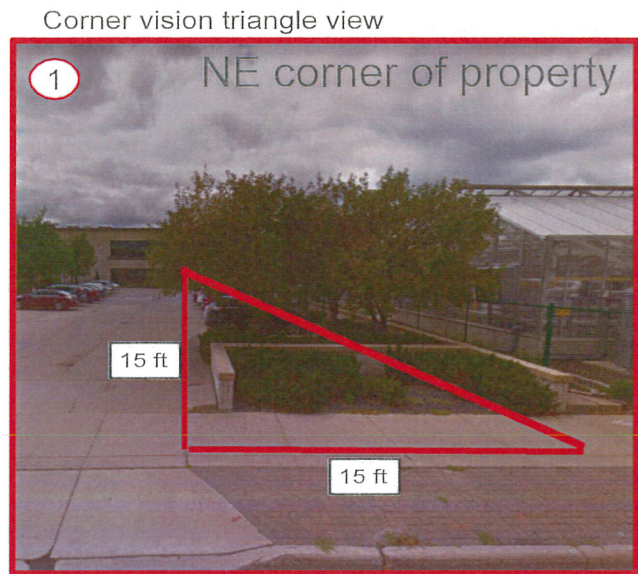
Notary Public, La Crosse County, WI
My commission expires: _____

La Crosse County 201 7TH STREET N (LOT E)

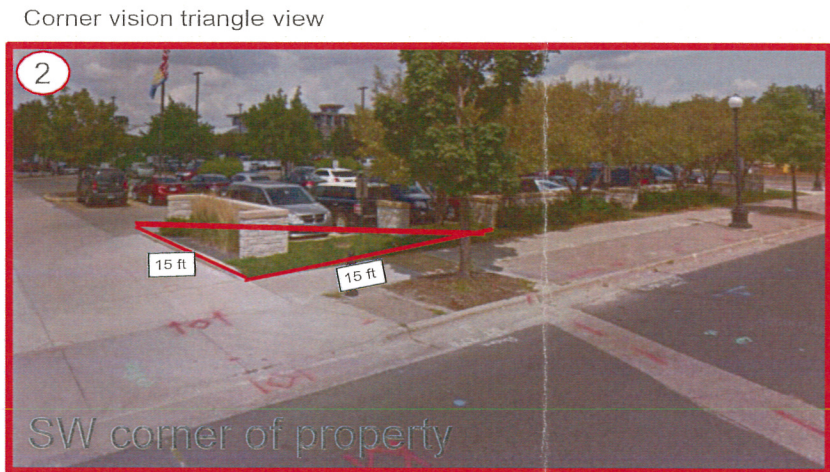
- ① (1) Double faced monument sign to be installed on NE corner of property
- ② (1) Double faced monument sign to be installed on SW corner of property



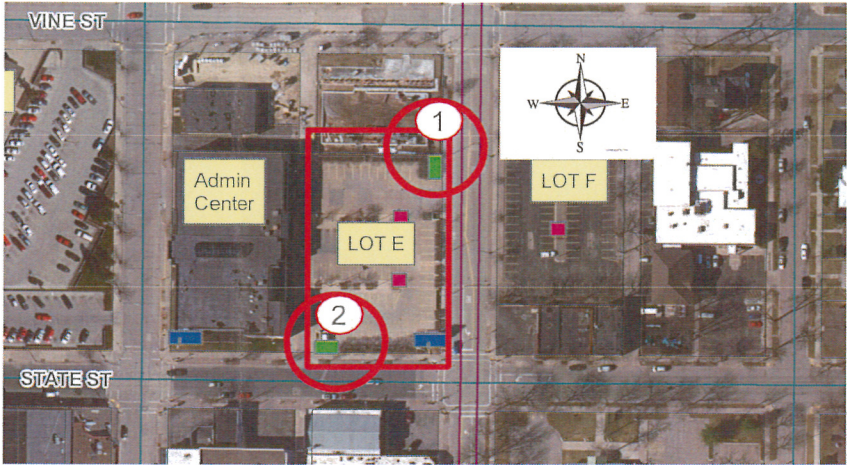
Sign to be placed 5ft from inside of brick wall, and 3ft from inside edge of sidewalk to back of brick wall



Sign to be placed 4ft from inside edge of driveway, and 2.25ft from inside edge of sidewalk towards brick wall. Grass area is 52" wide from brick wall to inside edge of sidewalk

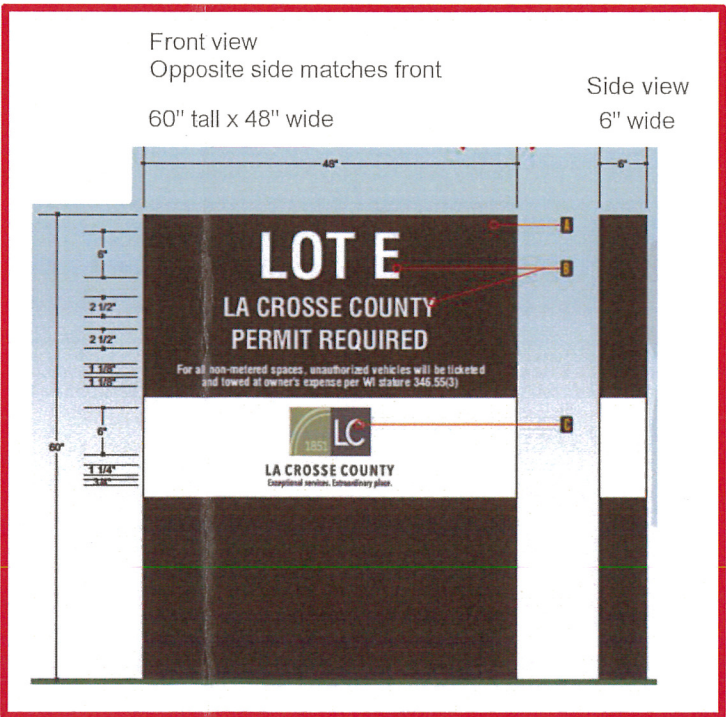


Aerial Map



Property line= red rectangle

Public Right of Way = light blue rectangle



GRAPHIC HOUSE

9204 Packer Drive, Wausau, WI 54401 715-842-0402
www.graphichouseinc.com

SALES REP: DAVE N DATE: 8-30-2019 QUOTE NUMBER: 17304 JOB NUMBER: 6022

SALES AUTH: REVISION: 5-20-2019-B

SALES DRAWINGS: LA CROSSE COUNTY- (17303) MONUMENT SIGNS
LaCrosseCounty-17304-01-3.jpg

NON-LIT MONUMENT SIGNS

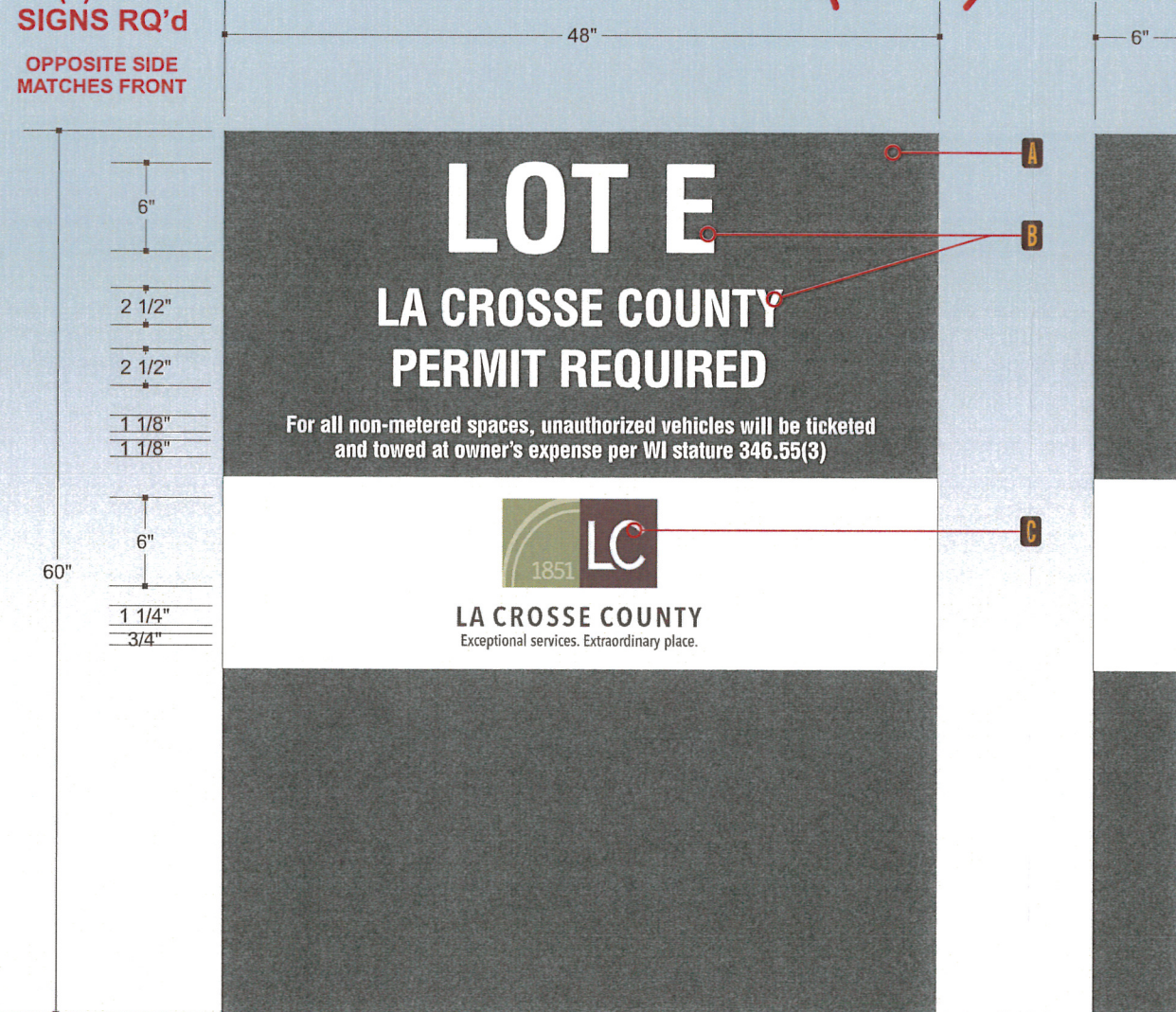
- A ALUM. FORMED CABINET PAINTED BLACK & WHITE
B WHITE VINYL COPY
C PRINTED VINYL LOGO w/ GLOSS LAMINATE

- P1 - Black
P2 - White
V1 - (B) 7725-10 White Vinyl
DP1 - PMS 425c
DP2 - PMS 7494c
DP3 - PMS 7485c

CLIENT:
LA CROSSE COUNTY



6022.2
(2) D/F
SIGNS RQ'd
OPPOSITE SIDE
MATCHES FRONT



CLIENT HAS IDENTIFIED THE LOCATION IN WHICH THE SIGNAGE IS TO BE INSTALLED. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE.

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