Board of Zoning Appeals Variance Application

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City of La Crosse, V	Visconsin	.u
Application No.: 2 Date Filed: 3 Application Complete	456 112021 te: Yes _x _ NoReviewed B	Filing Fee: #300.00 Date Paid: 3112021 (Initial)
(To be completed by	y the applicant)	
Building Permit App Division of Fire and	e: By 5:00 PM the first Wednesday of every mon lication Deadline: 10 Calendar Days prior to first Building Safety to provide review. Any building p ng Board of Zoning Appeals meeting.	Wednesday of every month for the
	Owner / Agent	Contractor
Name	David R + Catherine A Thurston	owner
Address	1524 Island Street	
Phone	600- 769- 5544	
Legal Description: Tax Parcel Number: Lot Dimensions and Zoning District:	Alfached 11-10215-55, 17-10297-8 Area:xfeet.= R1	City of La Crosse, Wis. 3 29, 100 sq. ft. Harvey St. Frontage 100' x 140' Harvey St. Frontage 230 x 20' The Board of Zoning Appeals decides
A variance is a rela	exation of a standard in a land use ordinance.	The Board of Zoning Appeals decides

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:

/To be completed by City Clark or Zaning Staff)

- 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.

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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.

One family residential dwelling

(b) Proposed Use.

One family residential dwelling with detached accessory building

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

No prior petition for variance, appeal, ur special exception.

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

The are no nonconforming structures or uses on the property.

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

115-142.(a)(2) - Second garage not allowed Where there is already an attached garage
115-390.(1)d.1 - maximum allowed wall height of garage is 10 feet
115-390.(1)d.1 - maximum allowed garage daor height on garage is 8 feet
115-390.(1)d.1 - maximum allowed height of accessory structure is 19 feet

(f) Describe the variance requested.

115-142.(a) (2) " requesting a detached accessory building when the is already an attached garage

115-390. (1) d. 1 requesting wall height of 10 feet 6 inches

115-390. (1) d. 1 requesting garage door height of 9 feet

115-390. (1) d.1 requesting accessory structure height of 17 feet 734 inches

(g) Specify the reason for the request.

115-142.(a) (2) larger than typical property with whan forest landscape

requires targe tools and equipment for maintenance and wheep,

115-390 (1) (d). I wall height is required to accomodate door

115-390 (1) (d). I door height is for horsessary for small SUV with Kayaks on

100+ rack

115-390 (1) (d). I Overall height to allow roof pitch to gesthetroully match existing

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

The effect on the property with no variance granted is that as originally plotted on entire lot would not be Capable of improvement, due to lack of street access and utilities. This is a result of Harvey Street right of way being abandoned to create an adjucent resident int 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.

To comply with existing standards would be to leave the property unimproved.

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

Alternatives considered that would require a lesser variance are to reduce vertical dimensions to comply with existing standards.

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.

The natural contours and elevation in relation to the public alley access are limiting factors in the design and location of the accessory building.

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	§ 115-5 4 8	§ 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: Erosion
 Mitigation measure(s): Si'lt fence erosion control
 Extent to which mitigation reduces project impact: Confines erosion to construction area.

• Impact: Tire Tracking
Mitigation measure(s): Wood chip mulch effective to control

Extent to which mitigation reduces project impact: Reduces tire tracking to

Construction area

- (2) Long-term Impacts (after construction is completed):
 - Impact: Rain water Runoff

 Mitigation measure(s): Collect rain run-off with eare troughs and

 Extent to which mitigation reduces project impact:

 Confines run off to existing rain garden.
 - Impact: Erosion Control

 Mitigation measure(s): Restoration of Natural Forest floor

 Extent to which mitigation reduces project impact: Returns to original State
- (3) **Cumulative Impacts** (what would happen if a similar variance request was granted for many properties?):
- Impact: Increasing Non permeable Surface
 Mitigation measure(s): Directing and Controlling run off
 Extent to which mitigation reduces project impact: Our proposed mitigation is
 Substantiated by the City Water Dept annually flushines
 water main discharge through a 5" hose for an extended
 period of time. The water is percolated through existing
 sandy Soil in approximately half a day.
- Impact: Aesthetics
 Mitigation measure(s): Architectural design
 Extent to which mitigation reduces project impact:

 The project impact would be minimal due to
 the fower Co. right of way confaining light
 transmission line of several 15 KV distribution lines
 adjacent to this property.

 The design would enhance aesthetics and compliment
 the historically traditional style of accessory buildings.

Will granting the variance harm the public interest?

Yes. A variance cannot be gra	anted.
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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 y	ou applying for an area variance or a use variance?
X	Area variance
	Use variance
ls unr	necessary hardship present?
1571	No Describe Granting a variance would allow the use of an area
	twice the size of residential lots in this neighborhead for
ı	recessary hardship present? Yes. Describe. Granting a variance would allow the use of an area funce the size of residential lots in this neighborhexed for structural improvement value, which would otherwise be unuseable.
	No. A variance cannot be granted.
	: Additional Materials / Exhibits.
	er for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than , and other exhibits must show the following:
	Property lines Ordinary high-water mark La Crosse River elevation 642.2/1524 Island elevation Flood plain and wetland boundaries — maps attached 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 — removal of 1 mature tree 4 other invasive and
	Vegetation removal proposed — removal of mature tree & other invasive and Contour lines (2 ft. interval) Well and sanitary system — no well or sanitary System available on 5/fe' Location and extent of filling/grading — proposed site has minor grade changes requiring Any other construction related to your request — None — minimal addition/removal of Anticipated project start date — Spring 2021 — fill Sign locations, dimensions, and other specifications — No planned signage — 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
H	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: 1524 Is/and Street, La Crosse, WI

(Address where variance is sought)

Date: 2/15/2015 Signature of Owner: Catherine Thrus for

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.

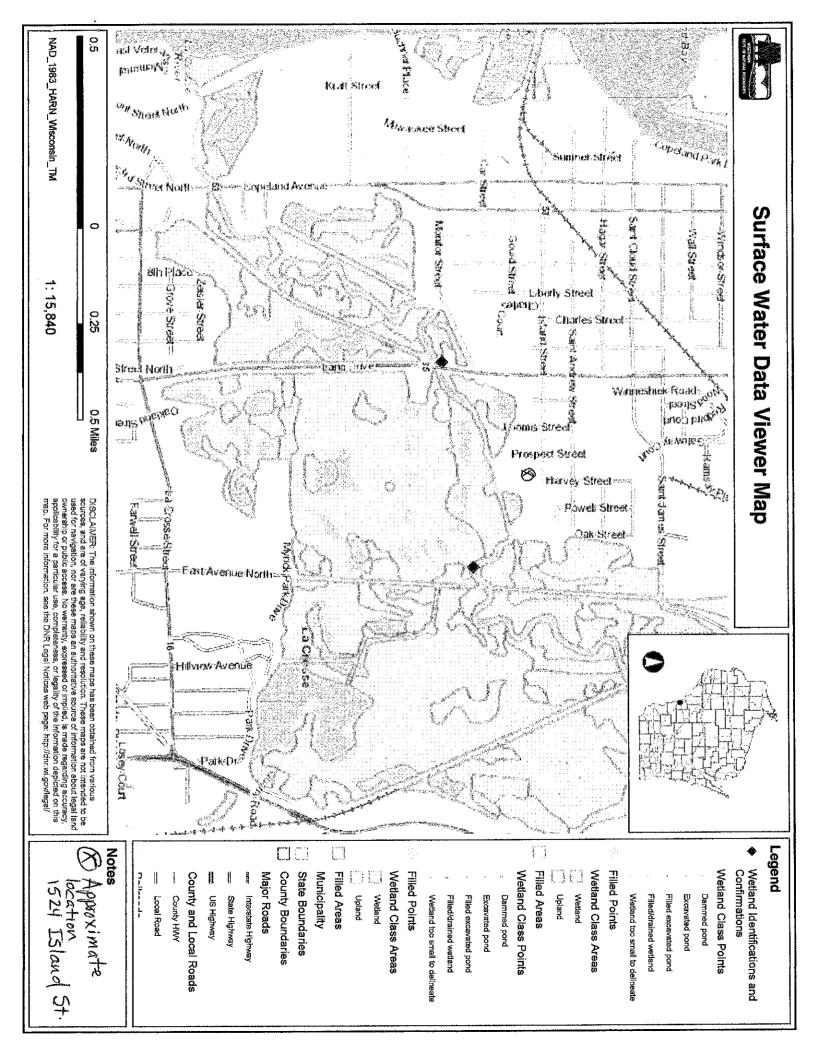
Division of Fire Prevention and Building Safety

La Crosse, Wisconsin 54601

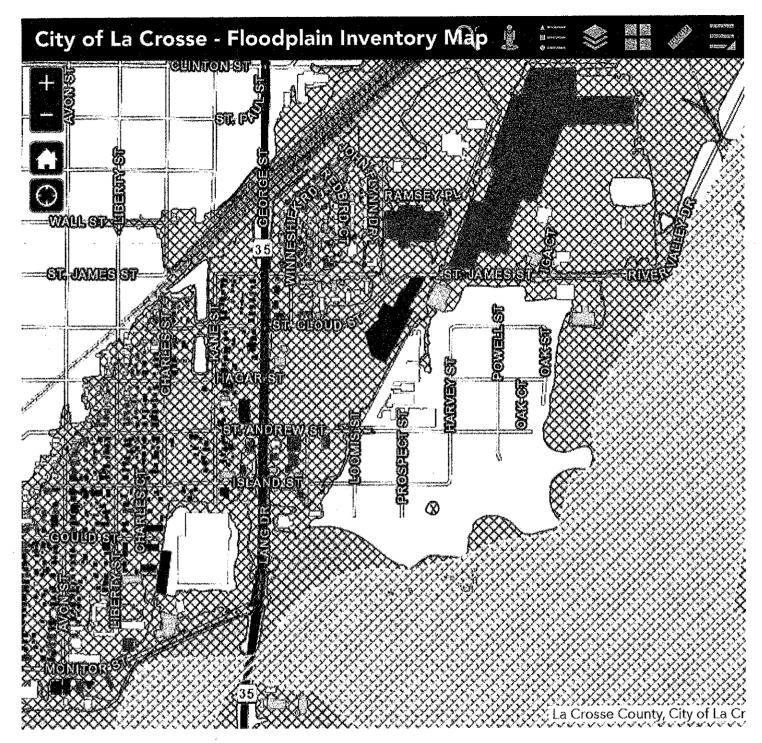
By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything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

Signed: (Applicant or Agent)	·
Date:	
Signed: (Owner,if different from applicant)	theune Thurston Cavil Thursday
Date: <u>2/15/202/</u>	
THE APPLICANT OR AGENT	THE OWNER
Ву:	Cathur Theister David & hursten
STATE OF WISCONSIN)	STATE OF WISCONSIN
COUNTY OF LA CROSSE)	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	Personally came before me this 157" day the day the transmitted to me known to be the person(s) who executed the
foregoing instrument and acknowledged the same.	foregoing instrument and acknowledged the same. JORDAN GRAY SUMMER OF THE SAME OF THE SA
Notary Public, La Crosse County, WI My commission expires:	Notary Public, La Crosse County, WI My commission expires: 10-26-2026

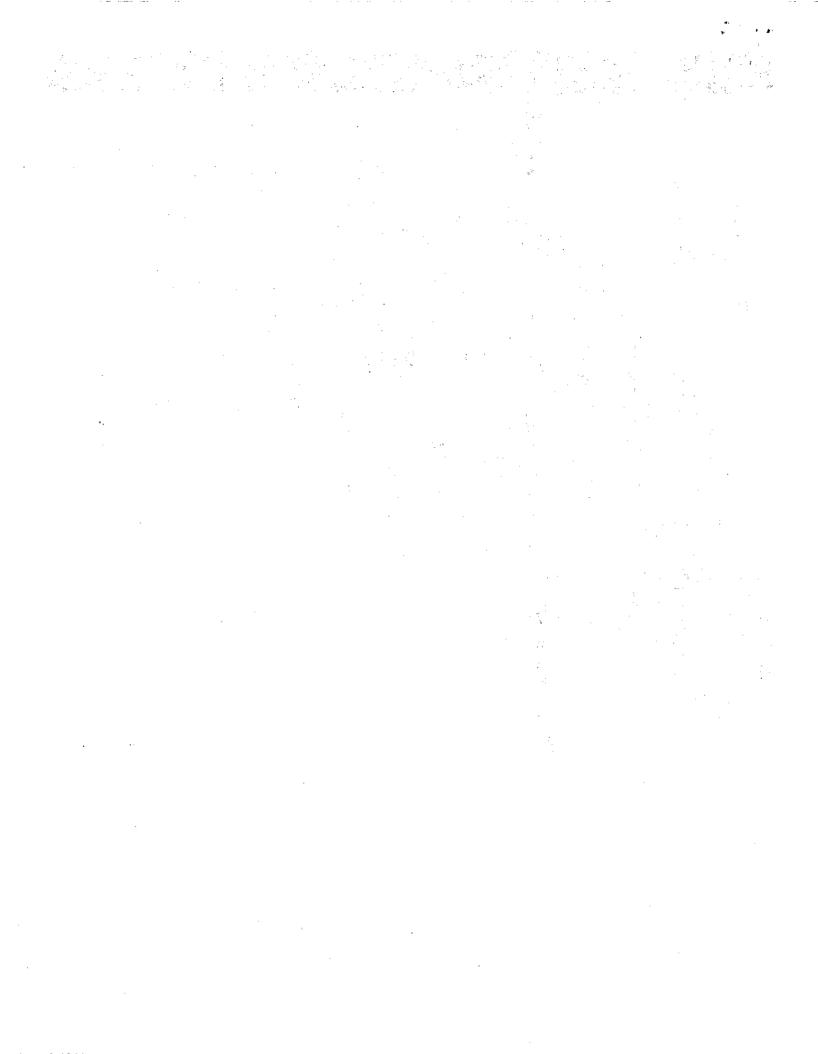


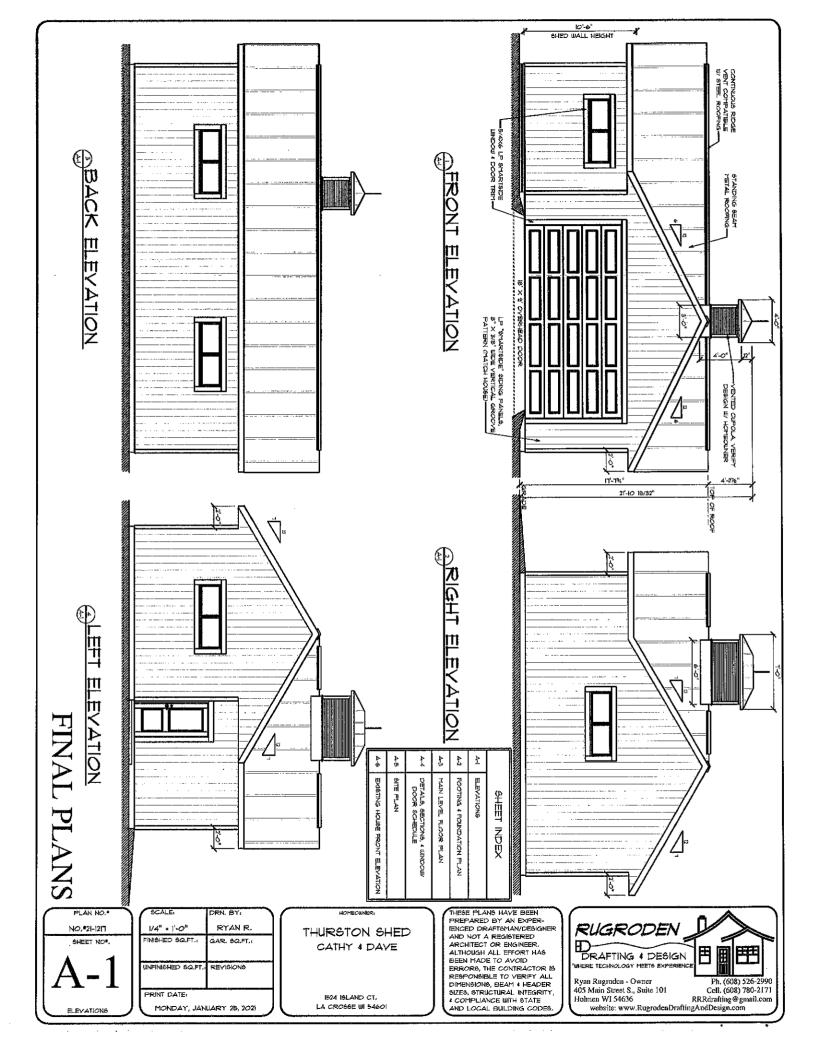


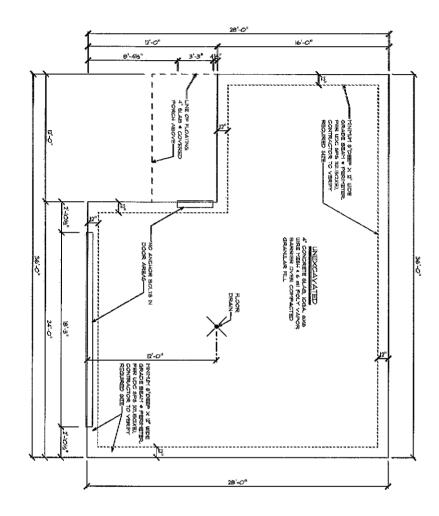
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Approximate location
 1524 Island St.







FOOTING & FOUNDATION PLAN

FINAL PLANS

NO.#21-12(T 1/4" = 1'-0" SHEET NO! UNFINISHED 6Q.FT PRINT DATE:

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RYAN R GAR. 6Q.FT.: REVISIONS MONDAY, JANUARY 25, 2021

VERIFY LOCATION OF ALL ROOF
TRUSS GRODES WITH FINAL TRUSS LAYOUT
BY ROOF TRUSS MANUFACTURENCUPPLIER.
TRUSS SUPPLIER TO RESIZE 4 SUPPLY ALL
AFFECTED BEAMS/MEADERS

ALL OPPINION HEADERS GREATER THAN S.O. SHALL BE DIRECTLY SUPPORTED ON EACH BUD BY A SINGLE COMMON STUD \$ 2 SHOULDER STUDS.

THECAL NOTES.

THE CALL ARE DIMENSIONED AS 5 1/2",

2X WALLS ARE DIMENSIONED AS 3 1/2",

2X WALLS ARE DIMENSIONED AS 3 1/2",

ALL MEASUREMENTS ARE TO FACE OF STUD.

LOCATION OF 24"XI4" ATTIC ACCESS
TO BE DETERMINED BY CONTRACTOR
ON SITE

UNLESS OTHERWISE NOTED, ALL EXTERIOR DOOR & WINDOW HEADERS TO BE 3-2XIO D/F NO.12

UNLESS OTHERWISE NOTED, BOTTOM OF ALL WINDOW HEADERS TO BE * 6'40" FROM TOP OF FLOOR SLAB

UNLESS OTHERWISE NOTED.
ALL OPENING HEADERS SI-Q" OR LESS IN
LENGTH SHALL BE DIRECTLY SUPPORTED
ON EACH BUD BY A SHALLE COMMON STUD.
4 SINGLE SHOULDER STUD.

THURSTON SHED

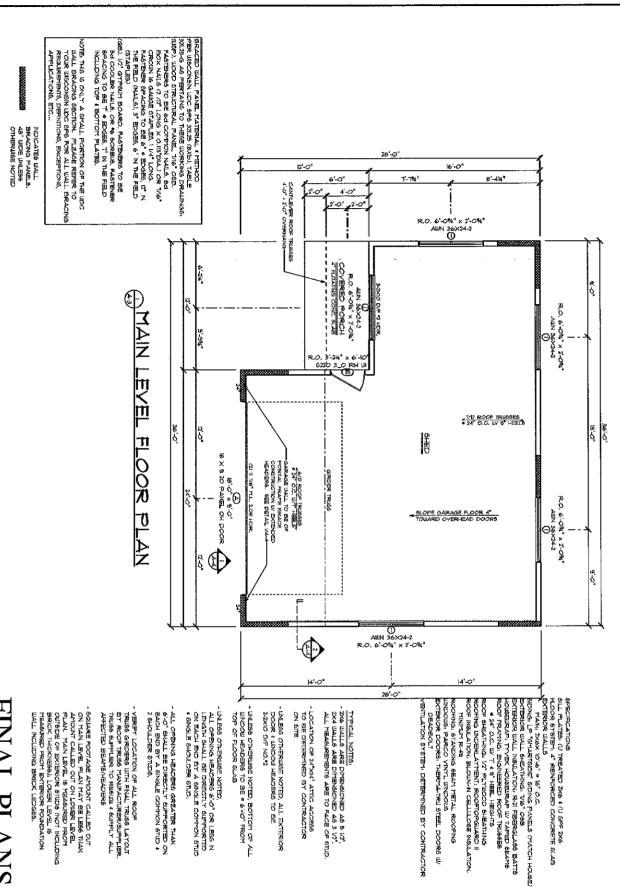
1524 ISLAND CT. LA CROSSE WI 5460

CATHY & DAVE

THESE PLANS HAVE BEEN PREPARED BY AN EXPER-IBNCED DRAFFINHANDESIGNER AND NOT A REGISTERED ARCHITECT OR ENGINEER. ALTHOUGH ALL EFFORT HAS BEEN MADE TO AVOID ERRORS, THE CONTRACTOR IS RESPONSIBLE TO VERIFY ALL DIMENSIONS, BEAM & HEADER SIZES, STRUCTURAL INTEGRITY, & COMPLIANCE WITH STATE AND LOCAL BUILDING CODES.

RUGRODEN DRAFTING & DESIGN HERE TECHNOLOGY MEETS EXP Ph. (608) 526-2990

Ryan Rugroden - Owner 405 Main Street S., Suite 101 Holmen WI 54636 Cell. (608) 780-2171 RRRdrafting@gmail.com website: www.RugrodenDraftingAndDesign.com



FINAL PLANS

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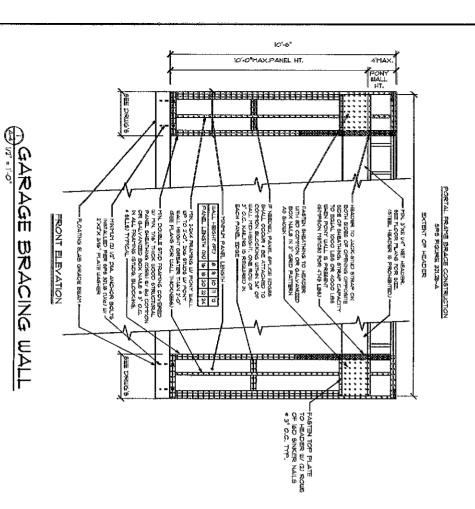
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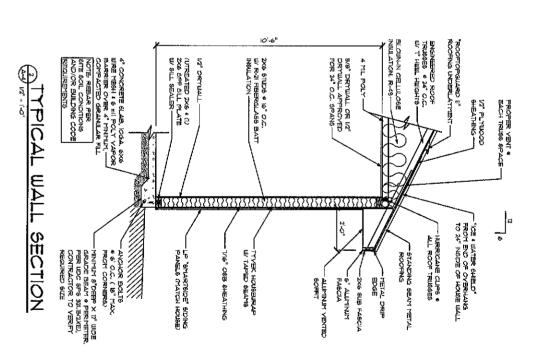
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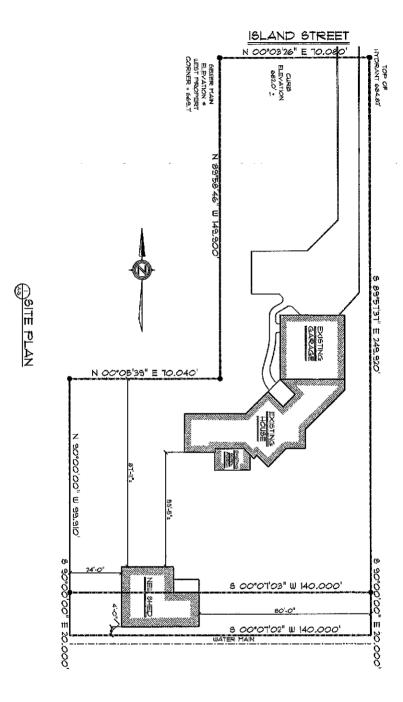
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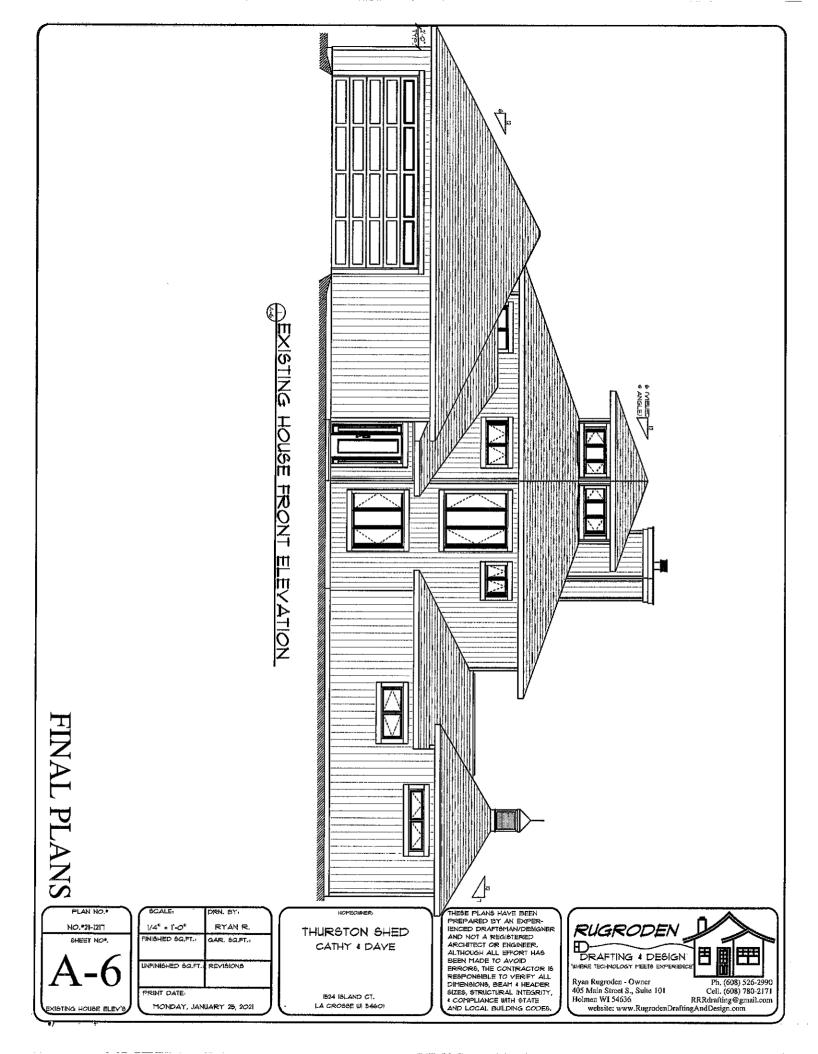
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PLAT OF SURVEY

SHEET 1 OF 1

LEGAL DESCRIPTION:

LOOMIS AND HARVEY'S ADDN E1/2LOTS 1, 2 & 3 ALL LOTS 4 & 5 BLOCK 10

and

PRT GOVERNMENT LOT 1 LYG N OF N LN NSP PROPERTY IN V186 P507 & S OF S LN LOOMIS & HARVEY ADDN & W OF W LN LOT 6 BLK 11 LOMIS & HARVEY ADDN EXTD S TO N LN NSP PRCL IN V186 P507 & E OF W LN GL 1 & THAT PRT GOVERNMENT LOT 2 LYG N OF THE N LN NSP LANDS DESC IN V186 P507 & S OF THE S LN LOOMIS & HARVEYS ADDN & W OF E LN GL 2 & E OF E LN LOT 6 BLK 10 LOOMIS & HARVEYS ADDN EXTD S TO THE NSP LANDS DESC IN V186 P507

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