

March 30, 2021

Re: Motion on BOZA Appeal 2656

Sondra,

Attached are documents for the Board of Zoning appeals addressing the turtle nesting aspect and clarifying information for the three standards required to grant a variance.

Thank you!

Catherine Thurston



David and Catherine Thurston - zoning variance for 1524 Island Street

1. The proposed variance is not contrary to public interest.

The 1524 Island Street parcel, when purchased in 2011, was an undeveloped urban forest. The north side of the parcel, on Island Street, was cleared of many of the trees to allow for installation of the underground utilities, house construction and removal of invasive, dead, and ash trees. The landscaping in front of and around the house is mulch with native grasses, perennial flowers, wildlife attracting shrubbery and a diverse assortment of trees. The south side or backyard is still an urban forest. We are working with a local arborist on tree maintenance and replacement with the hope of creating a legacy urban forest.

To address the issue of the impact of construction on the turtle nesting habitat and no harm to public interest: We have created a turtle nesting habitat with the removal of part of our urban forest. Turtles do not nest in forests, they lay eggs where vegetation is absent or sparse. Turtles seek areas of loose soil, usually in a sunny location to dig a hole and deposit their eggs. Our warm, sandy, mulch covered front yard has become a nesting habitat for turtles. We have watched turtles deposit their eggs and have found disturbed areas where turtles have nested. These areas are marked so that the eggs will not be unintentionally disturbed during their incubation while we are gardening.

The location of the proposed accessory building we are requesting in this variance is on the forested south side of our property, which is currently not a turtle nesting area. We will be removing trees to create our building site and will install erosion fencing, which will prevent turtles from nesting in this new sandy area this year. Once construction is completed, a mulch layer will be applied over the sandy soil, and in the future turtles will have a little more nesting space on our property.

2. The property has a special or unique condition.

These lots were purchased from the City of La Crosse and our purchase agreement states in Exhibit A:

The intention being to preserve the natural grade and terrain and general appearance of the area insofar as possible to eliminate any excessive cut of fill in order to perpetuate and exemplify the natural beauty of the area for the benefit of all owners of property in said plat.

Our goal is continuing to maintain an urban forested, steeply sloped eco-friendly landscape in our backyard with an adjacent proposed accessory building. We enjoy gardening and landscaping projects which require a large assortment of tools and equipment. The proposed accessory building will allow our tools and equipment be stored in a safe and secure manner. Our accessory building was designed by the same designer as our original home and carries on features of the existing house including a cupola (which is a decorative feature not a structural component), roof pitch, and vertical siding.

The height of the proposed accessory building is dwarfed by the abutting 80-90' existing overhead power lines.

3. The special condition of the property creates an unnecessary hardship.

Our property consists of 2 parcels totaling .66 acres.

1524 Island Street residence was Parcel A purchased from the City of La Crosse as seen on the attached Plat of Survey - comprised of 2 full lots and 3 half lots - equaling .56 acres.

The south parcel is:

- 20' x 230' equaling .11 acres
- zoned multiple future land use
- abutting the Power Co. right of way
- has no access to utilities.

Without a zoning variance two lots will be rendered useless and no feasible use can be made of the land.

Our goal with this zoning variance is to enhance the aesthetics of the property. We feel our property is unique with 2 irregularly shaped, including sloped urban forested parcels. A landscaping/gardening task can easily become burdensome when multiple trips across the lots are required for the necessary tools. Secure storage has become a concern because of a growing number of thefts in our neighborhood.

We enjoy our small piece of the City of La Crosse and would like to encourage your to come and take a look at our property. The outline of our proposed accessory is staked out with red pipes.

Thank you for your time and consideration reviewing our zoning variance request.

Exhibit "A"

ARCHITECTURAL CONTROL COMMITTEE

Initial Committee shall consist of the City of La Crosse – Housing Rehabilitation Review Board

While the City of La Crosse retains Lots in the Navy Reserve Addition, the Architectural Control Committee, (hereinafter "ACC" or "Committee"), shall consist of City of La Crosse – Housing Rehabilitation Review Board. In the event of death or resignation of any members of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. When the City of La Crosse ceases to own property in said plat, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

No buildings, including accessory buildings, storage and out buildings, screen porches or fences, including existing fences, shall be erected, placed or altered on any lot until the structure has been approved by the ACC as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. The intention being to preserve the natural grade and terrain and general appearance of area insofar as possible to eliminate any excessive cut or fill in order to perpetuate and exemplify the natural beauty of the area for the benefit of all owners of property in said plat. No dwelling erected upon any lot shall be occupied in any manner while in the course of construction, nor at any time prior to its being fully completed, as herein required. Nor shall any residence, when completed, be in any manner occupied until ready to comply with the approved plans, the requirements herein, and all other covenants, conditions, reservations and restrictions herein set forth, and an occupancy permit having been issued to the occupant by the City of La Crosse. All construction shall be completed within 18 months from the start thereof; provided that the ACC may extend such time, when, in its opinion, conditions warrant such extension.

30 days prior to home construction commencement and issuance of a building permit, the following is to be submitted to the ACC for approval:

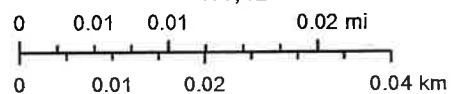
ArcGIS Web Map



3/18/2021, 2:06:25 PM

1:1,128

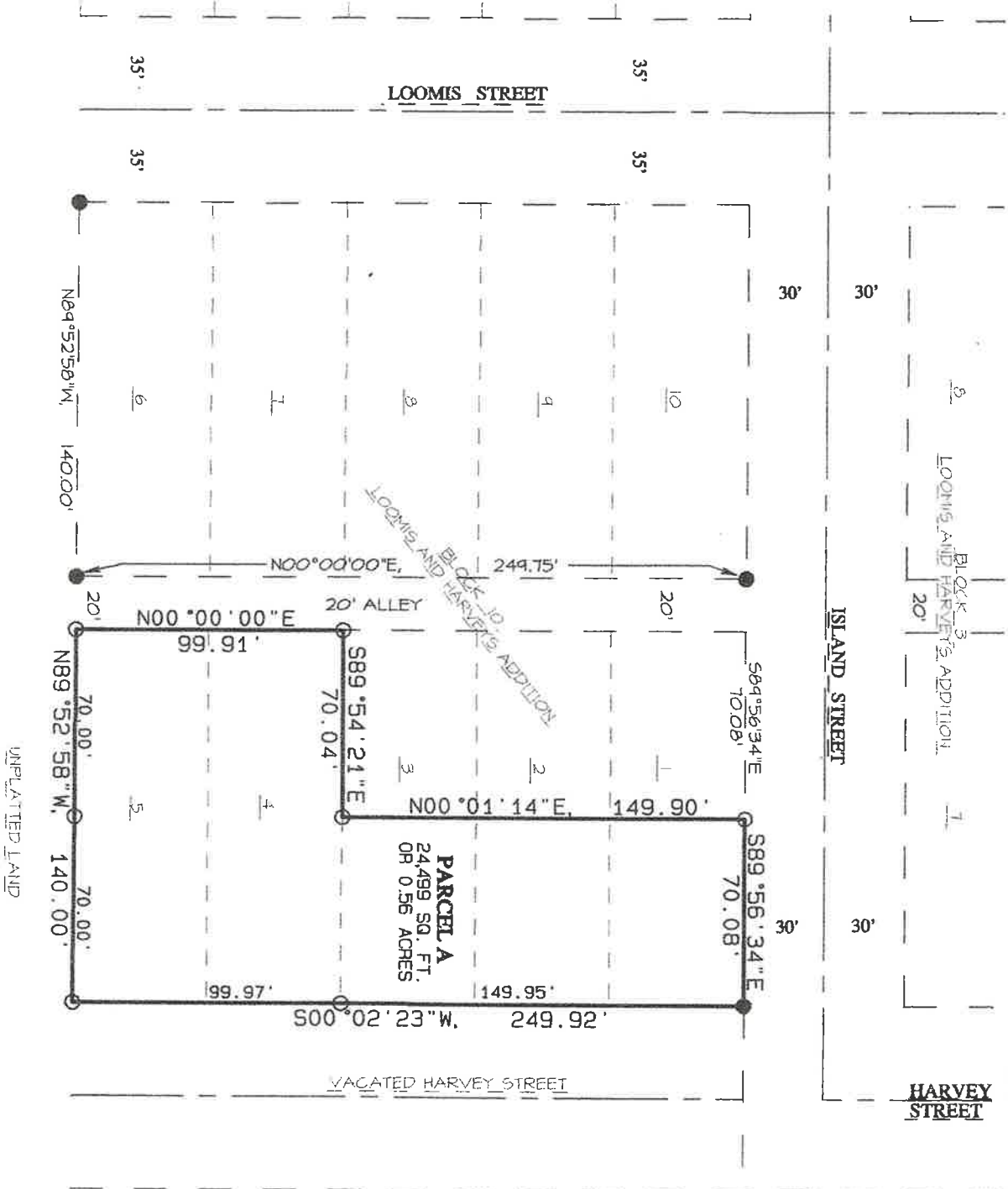
- Municipality and Private Roads
- Municipality
- La Crosse County Roads
- Exit
- Federal Highway
- Municipality Limits
- US Highway
- Parcels
- State Road
- Owner Label
- County Road



La Crosse County

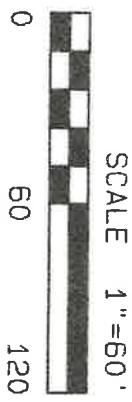
THE EAST HALF OF LOTS 1, 2 AND 3 AND ALL OF LOTS 4 AND 5, BLOCK 10, OF LOOMIS AND HARVEYS ADDITION, LOCATED IN SECTION 29, T16N, R7W, CITY OF LACROSSE, LACROSSE COUNTY, WISCONSIN.

PLAT OF SURVEY



PARCEL A
2499 SQ. FT.
OR 0.56 ACRES

BEARINGS ARE REFERENCED TO THE WEST LINE OF THE 20' ALLEY IN BLOCK 10 OF LOOMIS AND HARVEYS ADDITION ASSUMED TO BEAR NORTH



- LEGEND
- = SET 3/4" X 24" I. ROD (1.50 LBS./LI)
 - = FOUND 1" I. PIPE (UNLESS NOTED)
- ALL LOTS IN BLOCK 10 OF LOOMIS AND HARVEYS ADDITION ARE RECORDED AS 50' X 140'.

SURVEYORS CERTIFICATE

I, RICHARD A. BERG, REGISTERED LAND SURVEYOR, HEREBY CEI BY THE ORDER AND UNDER THE DIRECTION OF DAVID THURST SURVEYED AND MAPPED THE PARCEL SHOWN HEREON, AND THAT IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER AE-7 OF THE WISCONSIN ADMINISTRATIVE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SURVEYED & MAPPED BY:
RICHARD A. BERG, PLS#1213
BERG ENTERPRISES
300 STATE ST. PO BOX-625
HOLMEN WI. 54636

OWNERS:
DAVID R. &
CATHERINE A. THURST
1505 ISLAND STREET
LACROSSE WI. 54603

